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Thesis

CIVIL RIGHTS

and the

EVACUATION of the WEST COAST JAPANESE

by

Lewis Isaac Maddocks

(A.B. Marshall College, 1943)

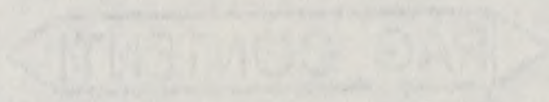
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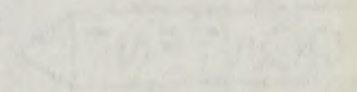
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CHAPTER I

THE THESIS PROBLEM AND METHODS USED

This paper is a study of the evacuation of all persons of Japanese ancestry from the West Coast during World War II. It was without doubt the most drastic violation of civil rights ever instituted by the United States Government. Few on either side of the problem will deny the seriousness of the violation although there has been considerable controversy as to whether such action was justified. It is the purpose of this paper to analyze all aspects of the evacuation and attempt to prove that the civil rights of the Japanese were not only violated but that this violation was unwarranted. It will also be shown that this issue is still alive and much needs to be done to compensate these evacuees and insure that they must be guaranteed in the future all those rights which we, as Americans, expect all persons to enjoy.

I. The Thesis Problem

The second chapter of this thesis will be devoted to an analysis of minority rights in our American democracy. It will be a designation of what safeguards exist, where they originated, and how they have been interpreted by the Supreme Court. It is in the light of these facts that the evacuation of the West Coast Japanese is analyzed. To what extent have these rights been violated by the evacuation program? Was the program consistent with our American democracy? What is there characteristic about American democracy which made the evacuation of over 100,000 Japanese, two-thirds of whom were citizens, possible? These are a few of the questions which must be constantly taken into consideration before an understanding

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of this wartime program can be reached. It might be well to present a definition of democracy in the light of which the evacuation program can be evaluated.

In his annual message to Congress on December 7, 1920, Woodrow Wilson said, "Democracy is an assertion of the right of the individual to live and be trusted justly as against any attempt on the part of any combination of individuals to make laws which will overburden him or which will destroy his equality among his fellows in the matter of right or privilege."¹ If this is an adequate definition of democracy how shall the evacuation program be judged?

In order to answer this question it is necessary to determine the cause of the evacuation, because if the cause was just then democratic principles have not been violated. It is recognized by everyone that rights are not absolute. When a man was arrested for swinging his arms and hitting another in the nose, he told the judge he had a right to swing his arms in a free country; whereupon the judge told him that his right to swing ended where the other man's nose began. And so it is that rights are relative inasmuch as liberty may become license wherein one man's freedom destroys that of others. W. F. Willoughby has said, "All [rights] are subject to the important qualification that they are valid only in so far as they are not exercised in such a manner as to...² constitute a danger to the state." This attitude which recognizes the fact that rights are relative and not absolute appears to be the foundation upon which the advocates of evacuation made their stand, and it is not an unreasonable one. The problem that must be solved here, however, is to determine whether or not the rights of the American citizens of Japanese ancestry to move about freely at any time and in any vicinity are rights "exercised in such a manner as to constitute danger to the state." The claim

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1. Maxey, Chester, The American Problem of Government, F. S. Crofts & Co., New York 1947 p. 405
 2. Willoughby, W. F., Government of Modern States, Appleton-Century Company, New York 1936 p. 40

made by many who favored evacuation was that military security demanded it. It was this claim put forth with such vehemence and unrelenting force which made freedom loving Americans from Bangor to Barstow condone what Aaron Heist of the Southern California Branch of the American Civil Liberties Union called "the most damnable violation of civil rights in the history of our country."³

Because this claim of military necessity was so strong, it would be wise to analyze it. If it was a valid assumption and also the primary cause of the evacuation, no one can argue with it. It stands to reason that in time of war a country must take action to maintain its security; therefore, the question in this case arises; Did military security demand the evacuation of all those of Japanese ancestry on the West Coast?

Another cause which has been given for the evacuation is the need for the protective custody of those of Japanese descent. There is no doubt that danger of mob violence against Japanese residents existed. The only question that arises is the validity of basing the evacuation on such a cause. Floyd Schmoe of the University of Washington said, "The very words 'protective custody' (Schutshaft) were 'made in Germany,' not here. How could it accord with American justice that if a man were dangerous to his neighbors, they should be put into custody rather than he?"⁴ Such a reason for this drastic program establishes a precedent which could easily apply to any minority group. The question immediately arises; to what extent can any group be deprived of political and economic freedom because they are victims of violence for reasons beyond their control?

There is also a third cause of evacuation which warrants considerable attention: The existence of social, political, and economic pressure. One indication of their pressure from economic groups was emphasized by an

3. Letter from Aaron Heist to Lewis Maddocks, June 24, 1947

4. Quoted by Caleb Foote in Outcasts! Fellowship of Reconciliation, New York, July 1942

Oakland attorney, who reporting before the Tolan Committee said:

I find no popular demand for the efforts to drive the so-called alien enemies from California. The clamor seems to come from chambers of commerce, Associated Farmers, and the newspapers notorious as spokesmen for reactionary interests. In view of this fact, effort should be made to determine whether there is any connection between the clamor for the dispossession of the Japanese farmers and the desire of these clamoring interests to get possession of the Japanese farms and the elimination of the Japanese competition."³

An indication of the racist pressure occurred on February 13, 1942, when the Pacific Coast Congressional delegation recommended to the President "the immediate evacuation of all persons of Japanese lineage, and all others, aliens and citizens alike, whose presence shall be deemed dangerous or inimical to the defense of the United States, from all strategic areas."⁴

It is obvious from their insistence on the evacuation of all persons of Japanese lineage that their motives were racist. They did not say "persons of Japanese lineage who are dangerous," but rather "persons of Japanese lineage and all others" who are dangerous. This distinction makes their motives clear.

This third cause needs much investigation, because if it, and not military necessity, were the primary cause of the evacuation, then the principles of American democracy have surely been violated.

It is by a careful analysis of these causes of evacuation that the problem of this thesis can be answered: Was the evacuation program consistent with American democracy?

II. The Methods Used

In the analysis the following factors will be analyzed:

(1) The minority rights which exist in America. What rights, in

3. Spicer, E. H. and Staff, Impounded People, War Relocation Authority, G. P. O., Washington 1946 p. 18
4. Foote, op. cit. p. 5

other words, can minority groups in general, and the Japanese in particular, depend upon for their protection against the majority? I shall dwell on this matter with a discussion of the origins of those American civil rights which are pertinent to the subject of this paper, the civil rights contained in the Constitution which are also applicable, and finally how these rights particularly affect the evacuees. This analysis of civil rights will comprise the second chapter of this paper.

(2) The pertinent background material to evacuation. It includes a discussion of early Japanese immigration, the reception and early treatment of the immigrants by the native Californians, and the development of racism and economic pressure. It will also include an analysis of the charges usually leveled at the Japanese. Here is contained a study of all the conditions existent between 1900 and December 7, 1941.

(3) The causes of the evacuation. Was it caused by military necessity as has been claimed by many authorities or was it caused by the need for protective custody? Many claim that it was caused by social and economic pressure. This factor is especially important as it is based on the assumption that the evacuation was justified if the cause was valid since civil rights are not absolute.

(4) The relocation program. Chapter V contains a discussion of the War Relocation Authority and its program to provide opportunities for the evacuees to establish a new life outside the evacuated areas.

(5) Sociological problems of the evacuation. Here the wartime handling of evacuee property will be described in addition to the life experienced under evacuation. It is in this section that a true picture is presented of what the program meant to over one hundred thousand Japanese.

(6) Constitutional phases of evacuation. To what extent was it constitutional? This latter section is a presentation of the four cases which

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(6) Constitutional phases of evacuation. To what extent was it constitutional? This latter section is a presentation of the constitutional

appeared before the United States Supreme Court: Hirshy v. U. S.

Isaac v. U. S., Ex parte Ely, and Lawrence v. U. S. These cases illus-

trate the Supreme Court's attitude on the many legal points involved in the
entire program. They also illustrate the great amount of controversy which
attended regarding the constitutionality of the various phases of the program.

(V) Conclusion. This concludes an analysis of the pertinent facts

presented throughout the paper. It is the aim of the writer that this

chapter contain findings and conclusions which have been reached.

CHAPTER II

CIVIL RIGHTS IN THE UNITED STATES

Every man who cares about freedom, about a government by law...must fight for it for the other man with whom he disagrees for the right of the minority....If we care about democracy we must care about it as a reality for others as well as for ourselves; yes, for aliens, for Germans, for Italians, for Japanese, for those who are with us as for those who are against us. For the Bill of Rights protects not only American citizens but all human beings who live on our American soil, under our American flag.¹

With these words Attorney General Biddle attempted to calm those people on the West Coast who were committing hostile acts against the Japanese during the days following the attack on Pearl Harbor when the war hysteria was becoming increasingly widespread. It soon became apparent that our American heritage of civil rights for all was in grave danger of being ignored as far as the treatment of Japanese on the West Coast was concerned. It is vitally important that an accounting be made of what rights exist which were being shunted and what the origins of those rights are. Also what guarantees against arbitrary action could those of Japanese ancestry, or those of any minority for that matter, depend upon for protection during such crises as existed in the Spring of 1942?

I. Origin of American Civil Rights

The English contributions to American civil rights are numerous, but only those rights which are relevant to the Japanese evacuation are to be studied in this paper. The pertinent rights are those concerned with procedural due process such as the guarantees to persons accused of crime.

They date back to the legal reforms of Henry II in the 12th Century

1. Quoted in Impounded People, op. cit. p. 9

who, by means of Assize legislation--issued in an assize, or session of notables--introduced the procedure of trial by jury. This was a considerable advance from the previous methods of determining guilt or innocence of a suspected criminal, such as compurgation, the ordeal, and trial by battle. The trial by jury, however, was not like the one we know today. Henry's jury was composed of witnesses to the act. In civil suits twelve men who knew the facts would decide who was right in the dispute. Although trial by jury was not original with Henry II, he "first made extensive use of this method in the law courts and made the jury a necessary part of the judicial system."²

Another English contribution to American civil rights is the Magna Carta which was wrung from King John by the feudal barons in 1215. It is true the Great Charter was concerned with protecting the interests of the aristocracy, clergy, and the merchant class; but in its use of the word "freeman," it became one of the greatest documents of all time. Although the masses of people were not "freemen" in 1215, they were later; and when that day came, the Magna Carta had meaning for them all. In Section 39 can be found direct reference to what is an inherent part of American doctrine: trial by jury and due process of law. Section 39 says, "No freeman shall be taken or imprisoned, or dispossessed, or outlawed, or banished, or in any way destroyed, nor will we go upon him, nor send upon him, except by the legal judgment of his peers or by the law of the land." This section was later understood by Coke and the Puritans to act as a limitation upon the king's power to imprison his political enemies and to secure a jury trial to all who were charged with crime, although a jury for the trial of criminal offenses did not exist in England at that time. Although many of the charter's provisions became obsolete upon the decline of feudalism, it

2. Larson, Lawrence M., A History of England, Henry Holt and Company, New York, 1936 p. 100

was, nevertheless, invoked many times, "and during the transition to modern constitutional practice it served a useful and important purpose, for it announced and secured the confirmation of the principle that the English king is subject to English law."³ It is part of the same philosophy which considers American government to be a government of laws and not of men.

The Petition of Rights which was passed by the Third Parliament of Charles I in 1628, reaffirmed the much ignored doctrines of the Magna Carta. The petition covered many rights, but one in particular is especially pertinent--arbitrary imprisonment was declared illegal. It is not difficult to see the importance of this safeguard in the light of the evacuation program.

Because of the arbitrary methods of arrest and imprisonment exercised by the Stuart kings, the English people through the Whigs led by Shaftesbury pressed for a Habeas Corpus Act which made formal a right as old as the Magna Carta. The intent of the act was to make it more difficult for the king to keep his political enemies in prison; but its application was much broader and the Habeas Corpus procedure still remains one of the most important safeguards of personal liberty.⁴

In addition to these legal contributions to American civil rights, England also produced many political philosophers such as Locke, Hobbes, and John Stuart Mill who were^a tremendous influence on the thinking of their day. For instance, it was Mill who was such a staunch defender of the rights of the minority against the tyranny of the majority while Locke expounded the natural rights doctrine holding that man had "natural" rights of life, liberty, and property which could not be taken away.

Civil rights in the United States have also been developed as a result of American contributions as well as English. The development of the social

3. Ibid. p. 117

4. Ibid. p. 118

contract theory as enunciated by Locke was a primary force in the American Revolution in that it challenged the power of any government as being limited by the ends for which it is created. Any government which violates the trust the people have placed in it, forfeits the power the people have granted to it through the social contract.

The American colonists also expressed their demand for limited government in the establishment in 1620 of the Mayflower Compact, in 1639 the Fundamental Orders of Connecticut, in 1776 the Declaration of Independence, and in the State constitutions were placed the various Bills of Rights which became the models for Federal Bill of Rights of 1791. Documents such as these demonstrate the attitude of the early Americans which is not consistent with the condoning of arbitrary action on the part of the government today in the creation of the evacuation program. The eighty thousand Nisei have as right a claim to the American heritage which created these documents as do the entire membership of that great, patriotic America-loving organization--Native Sons and Daughters of the Golden West.

II. Civil Rights in the Constitution

"If [The evacuation] was not necessary to the prosecution of the war, [it] invaded the rights protected by Article III of the Constitution and the Fifth and Sixth Amendments." ²⁵

This statement by Eugene V. Rostow of the Yale Law School faculty emphasizes the importance of investigating those rights in our Constitution which are pertinent to the evacuation program. What rights exist in the U. S. Constitution upon which the Japanese could depend for protection?

Although the Bill of Rights is usually considered the primary protector of civil rights, it is by no means the only protection which is afforded

5. Rostow, Eugene V., "The Japanese American Cases--A Disaster," Yale Law Journal, Vol. 54 June, 1945 p. 491

minority groups. In the body of the Constitution, Article I, Section 9, is found the prohibition against the suspension of the writ of habeas corpus except "when in cases of rebellion or invasion the public safety may require it." This writ, which is "a judicial process testing the legality of the detention of persons, whether by officials of the Government or otherwise,"⁶ is of particular concern to the evacuees because what began as a plan of evacuation developed into a plan of detention which immediately made the writ of habeas corpus an indispensable implement for release.

⁷
Ex Parte Milligan, in which President Lincoln's suspension of the writ of habeas corpus during the Civil War was declared unconstitutional is one of the foremost cases dealing with the right of habeas corpus and the jurisdiction of the military over civilians in an area where martial law has been established. It is an excellent case to illustrate the problem which always arises during times of crisis--where should the line of demarcation be drawn between individual rights and government action in behalf of national safety?

In 1864, Milligan, a civilian citizen of Indiana, was arrested by order of General Hovey, the Commanding General of the military district of Indiana. Milligan was charged with treasonable activities, tried, and convicted by a military court and sentenced to be hanged. Before the execution, he sued out a writ of habeas corpus to the United States Circuit Court in Indiana, claiming that the proceedings under which he was tried to be unconstitutional. The Supreme Court upheld Milligan's claims, and he was released. Justice Davis said that if a military commander has the power in time of war to suspend all civil rights and subject civilians as well as soldiers to his will, then the republican form of government is a failure. "Martial law, established on such a basis, destroys every guarantee of the Constitution, and effectually renders the military independent of and superior to

6. Fraenkel, Osmond K., Our Civil Liberties, The Viking Press, New York 1944, p. 262

7. Ex Parte Milligan, 4 Wall. 2 (1866)

the civil power...." In other words, martial law cannot validly be in force side by side with civilian law.

The detention of over 100,000 Japanese, aliens and citizens alike, immediately made this writ of paramount importance to all evacuees. It was successfully obtained by one Nisei in Ex Parte Endo,⁸ thus ending--although belatedly--the detention of all concededly loyal evacuees.

In the Bill of Rights are found a miscellaneous list of guarantees covering every conceivable civil liberty which when observed conscientiously, provides minority groups with all the protection and freedom of which this nation is so proud. Among these rights, however, are only a few which are pertinent to minority interests in general and the West Coast Japanese in particular. Possibly the most important provisions are those incorporated in the Fifth Amendment which forbids the deprivation of life, liberty, and property without due process of law. For many years the term "due process" was concerned with the legal procedure a person should follow, such as a trial by jury, confrontation of accusers, right of habeas corpus, and a speedy and public trial. In more recent years, however, procedural due process has been supplemented by what is called substantive due process, which requires that the statute under which a person is tried must be free from arbitrary and unreasonable provisions. This attitude for a time did more harm than good because the court stressed the protection of property rights rather than personal rights. This is evidenced by the laws that were held invalid which established maximum hour, minimum wage, and fair labor practices legislation. These decisions defending property rights handed down in Lochner v. New York⁹ and Adkins v. Children's Hospital¹⁰ did much to

8. Ex Parte Endo 323 U.S. 283 (1944)

9. 198 U.S. 45 (1905)

10. 261 U.S. 525 (1923)

establish "a freedom of contract which often meant the freedom to starve."¹¹
 In more recent years, however, under the revamped court of the late thirties and early forties personal freedom seems to be coming into its own--thanks to the liberal opinion of Justices Murphy, Douglas, and Black. It is upon the court's interpretation of procedural and substantive due process that the rights of minorities depend. The fact that these guarantees exist is not enough, however; what is required is a conscientious attempt by all persons to see to it that they are not violated.

Further guarantees to persons accused of crime are included in the Sixth Amendment which provides for a "speedy and public trial by an impartial jury." The accused shall "be informed of the nature and cause of the accusation, be confronted with the witnesses against him, have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense." This Amendment is particularly important in relation to the Japanese problem because, as Eugene Rostow said, the evacuation, if not necessary, violated Article III of the Constitution and the Fifth and Sixth Amendments. The right to counsel in Federal cases has been held to be absolute. "No conviction," says Professor Fraenkel, "will stand when the defendant has been refused a lawyer. So essential is this right that denial of counsel will wholly vitiate a conviction and permit a review by habeas corpus."¹² Other provisions of this Amendment which are pertinent are that a person must know of what he is accused if he is to properly defend himself, and also he must be confronted by the witnesses against him so that he may cross-examine them. Obviously these rights are vitally essential under our concept of the administration of justice.

Although states are forbidden to "deny to any person within their jurisdiction the equal protection of the laws,"¹³ no such provision exists against

11. Fraenkel, op. cit. p. 151

12. Fraenkel, op. cit. p. 176

13. Amendment XIV, Section 1

the Federal Government. However, according to one source, "Gross denial of equal protection by the Federal Government would undoubtedly be held to violate the due process clause of the Fifth Amendment."¹⁴ The Supreme Court has established firm precedents in equal protection cases against State action which seems to indicate that to be consistent, it should also be diligent in protecting violation of equal protection against encroachment of the Federal Government through the due process clause of the Fifth Amendment.

All the foregoing rights are of particular importance to minority groups throughout America. It is only through the diligence of all branches of the Government in the recognition and observance of these rights, that minorities in all parts of America can survive, otherwise the minority become subject to the tyranny of the majority.

III. Civil Rights and the Japanese Evacuees

The first part of this chapter was concerned with the origins of our civil rights, the second part dealt with the location and observance of those rights, and this section will be a discussion of how those rights particularly affect the Japanese evacuees.

No one has denied that the civil rights of the Japanese were violated; therefore, this is hardly a matter of controversy. In fact some persons who were very much in favor of the evacuation admitted the Japanese' rights were being ignored. For instance, the Attorney General of Madera County said:

Our State and Federal laws, supported by a bill of rights are entirely inadequate to meet the situation. If we are not to run the risk of disaster we must forget such things as the writ of habeas corpus and the prohibition against unreasonable

14. Ferguson, John H and McHenry, Dean E., The American Federal Government, McGraw-Hill, New York 1947 p. 86

searches and seizures. The right of self-defense, self-preservation, on behalf of the people, is higher than the bill of rights.¹⁵

The problem, therefore, is one of degree. All that is of concern here is the extent to which the basic civil rights were ignored--regardless of the cause of the evacuation.

One particular problem is that the military was the power behind the evacuation. Even though this might have been necessary, the fact remains that civil rights are in grave jeopardy when the military is able to control the movements and activities of civilians. Robert Cushman has pointed out:

The British Bill of Rights of 1789 contained a clause which placed the British Army squarely under the control of Parliament, and ever since that time the civil control of the military power in England has been kept alive by the process of doling out for one year at a time, under the provisions of the Military Act, the money necessary to keep the Army going.¹⁶

Thus Professor Cushman emphasizes the traditional policy of making military affairs subordinate to civil affairs. It is well known that the military's emphasis on speed and efficiency too often results in an ignoring of the democratic process which is accomplished only through careful consideration of all factors. The role of the Army in the evacuation is made most apparent by the decision of the Supreme Court in Korematsu v. U. S.¹⁷ when it held that the power to wage war is the power to wage it successfully. The Court refused to question the decision of General DeWitt that military necessity demanded the evacuation.

Eugene Rostow attacks this attitude vehemently by saying:

Who is to decide whether there was a sensible reason for doing what was done? Is it enough for the General to say that when he acted, he honestly thought it was a good idea to do

15. Impounded People, op. cit., p. 17

16. Cushman, Robert E., "Civil Liberties in the Atomic Age," Annals of the American Academy, January 1947, p. 55

17. 323 U. S. 214 (1944)

what he did?...The General's good intentions must be irrelevant. There should be evidence in court that his military judgment had a suitable basis in fact.¹⁸

The role of the military in the handling of civilians is not the only aspect of civil rights as applied to the Japanese. As pointed out previously, the guarantees of due process were ignored. The Japanese were ordered to evacuate without proper hearings or any other aspect of procedural due process. The hearings that were held were before military boards. "But these hearings were hardly consistent with the fundamental concepts of due process to which we have been accustomed."¹⁹

The exclusion of the Japanese might very well be considered a violation of due process because of the failure on the part of the Federal Government to provide equal protection of the law. This is apparent when it is remembered that only those of Japanese ancestry were affected by the military orders of exclusion and confinement. By the same reasoning the violation of the "privileges and immunities" clause of Article IV and the Fourteenth Amendment might very well constitute a violation of due process as far as citizens are concerned. Eugene Rostow points out that in Edwards v. California²⁰ Justices Douglas, Black, Murphy, and Jackson held that the California bars on indigent migrants from the Southwest were not only an unconstitutional interference with commerce, but a violation of the privileges and immunities of national citizenship.²¹

How these rights were considered by the Supreme Court will be brought out in Chapter VII; but regardless of their decisions, it can hardly be denied that many of the rights of the evacuees were ignored--maybe in the name of military necessity, maybe through some less admirable motive. It remains to be seen.

18. Rostow, op. cit. p. 514

19. Fraenkel, op. cit. p. 153

20. 314 U. S. 160 (1941)

21. Rostow, op. cit. pp. 500-501

CHAPTER III

BACKGROUND TO EVACUATION

I. History of Japanese Immigration

Before 1860 when Japan sent her first embassy to the U. S., the only Japanese the American people had seen were a few castaways who were picked up in mid-ocean by western ships and brought to America until passage back to Japan could be arranged for them. Although voyages to the New World had been made from Japan as early as 1610, when Japanese ships reached Acapulco, New Mexico, these contacts were not reinforced. For more than a century and a half after this time, Japan had an opportunity to conduct the conquest of California which was later carried out by the Spaniards. Instead, Japan adopted a strict policy of isolation. She not only ceased construction of seaworthy vessels and destroyed those she had, but also retired from the world until Commodore Perry arrived in 1853.¹

The reception given the castaways was one of curiosity, but nevertheless the Americans regarded them kindly. They later became very useful because the United States had been needing a fueling station in Japan and so used them as a wedge to open Japan to trade. For example, Commodore Perry used one as an interpreter on his voyage to Japan.

During the 1860's there appeared in California two small groups of Japanese. One group was composed of about a dozen farmers who were brought over by a rich Dutchman who was a naturalized citizen of Japan. He attempted a project at Gold Hill, near Sacramento, but the venture failed and he returned to Japan while the farmers got jobs with American families. The

1. McKee, Ruth, Wartime Exile, War Relocation Authority, Washington, D. C., p. 4

second group was composed of intellectuals and liberals. According to a contemporary report, they were "gentlemen of refinement and influence in their own country, from which they were compelled to flee, almost destitute, because their travel in civilized countries had made them too liberal in their ideas to suit the Mikado."²

After 1871 the sons of the upper class were encouraged to study in America. By 1885 there were eighty Japanese in California. These were of the upper and middle classes who were treated with kindness and respect until the general immigration of the masses got under way. During the last decade of the nineteenth century the Japanese immigrants numbered about 1,000 per year, but following the annexation of Hawaii, 12,000 arrived in 1900. It was with this first really large immigration that there resulted mass protests against the Japanese. During the first eight years of the twentieth century, the United States accepted from four to nine thousand each year. Their number fell off sharply to 1500 in 1909 when the Gentlemen's Agreement to curtail the immigration of Japanese nationals to the United States and Hawaii became effective.

At this point it is well to consider the situation in which the immigrant generation found itself. It had to face many hardships which were caused by three factors--race, place and time. In the first instance, they were members of the Oriental race. Secondly, they came to a section of the country which had been showing hostility to the Chinese for many years. And thirdly, they came at a time when there was a vacuum which they naturally filled. This vacuum was created when the Chinese, upon whom much pressure had been applied, dwindled in numbers as many of them left for other states and many who stayed grew too old to work in the agricultural establishments throughout California. The Japanese immigrants quickly took over where the

2. San Francisco Chronicle, June 17, 1869, p. 2, Col.1 Quoted in Wartime Exile, Ibid, p. 5

Chinese had left off.

As long as they remained in agriculture, the Japanese were treated fairly, but they were ambitious and wished to emerge from their status among the migratory labor groups. Many of them wished to operate farms of their own. This the racists resented, and they immediately looked upon such ambition as a threat to white supremacy. Ruth McKee, who has written much on this problem, says, "The forces that had accomplished the exclusion of the Chinese had developed legends, techniques, and arguments which with little editing could be turned against the Japanese. Politicians and pressure groups served their apprenticeship in the Anti-Chinese crusade. By the turn of the century these veterans were ready to launch a new campaign."³

Thus because of these factors, the immigrant generation came to a place, and at a time, which made hostility toward them inevitable. The forces and techniques used by the California racists will be discussed later, but at this time should be mentioned as background material to evacuation, two more or less legal instruments which further handicapped the immigrants. The first was the Gentlemen's Agreement which became effective in 1908. It was created to solve a problem which had arisen when Japan protested the action taken by the California legislature to discriminate against the Japanese tenant farmers who antagonized their white competitors by their industry and low standards of living. Under this agreement the Japanese government promised not to allow Japanese laborers to go to the United States. This agreement was not satisfactory to members of the California Oriental Exclusion League and other Anti-Japanese elements because they claimed it placed responsibility for enforcement upon Japan instead of on the United States. Says Miss McKee, "For the sixteen years of its official life, the Gentleman's Agreement was vociferously denounced by the exclusionists on the

3. McKee, Ruth, California and Her Less Favored Minorities, War Relocation Authority, Washington, April 1944 p. 14

Chinese had left off.

As long as they remained in agriculture, the Japanese were treated fairly, but they were ambitious and wished to move from their status among the migratory labor groups. Many of them wished to operate farms of their own. Thus the racist resented, and they immediately looked upon such ambition as a threat to white supremacy. John H. Brown, who has written much on this problem, says, "The forces that had accomplished the exclusion of the Chinese had developed legends, techniques, and arguments which with little editing could be turned against the Japanese. Politicians and press groups carried these arguments in the anti-Chinese crusade. By the turn of the century these veterans were ready to launch a new campaign." Thus because of these factors, the immigrant generation came to a place and at a time, which made hostility toward them inevitable. The forces and techniques used by the California racists will be discussed later, but at this time should be mentioned as background material to explanation, two more or less legal instruments which further handicapped the immigrants. The first was the Gentlemen's Agreement which became effective in 1908. It was created to solve a problem which had arisen when Japan protested the action taken by the California legislature to discriminate against the Japanese tenant farmers who antagonized their white competitors by their industry and low standards of living. Under this agreement the Japanese government promised not to allow Japanese laborers to go to the United States. This agreement was not satisfactory to members of the California Oriental Exclusion League and other anti-Japanese elements because they claimed it placed responsibility for enforcement upon Japan instead of on the United States. Says Miss Holmes, "For the sixteen years of its official life, the Gentleman's Agreement was vociferously denounced by the exclusionists on the grounds that it was a betrayal of the Japanese and that it was a violation of the authority of the United States."

grounds that Japan failed to administer it in good faith. Conclusive evidence to the contrary was not forthcoming until after exclusion had become a fact, in 1924.⁴

The Immigration Quota Act of 1924 completed the drive of the racists to exclude Japanese immigration. The act restricted immigration of almost all nationalities to 2% of the persons of each nationality resident in the United States in 1890. In spite of the fact that the quota requirement would have permitted only a negligible immigration from Japan, the admission of Japanese for permanent residence was totally prohibited. This, of course, resulted in a most dangerous increase of Japanese hostility because it was regarded as a direct insult to Japan. In his book Japan in Crisis (1934) Harry Emerson Wildes writes, "The signing of the Immigration Bill coincided with the 1924 elections to the Diet. Revengeful anti-foreign candidates, pledged to enact retaliatory laws, were swept over-whelmingly into office."⁵

II. Development of Racism on the West Coast

Racism in California began as early as 1846 when young American gold seekers fomented the Bear Flag Rebellion with the cry "California for the Americans." These young Americans were tired of waiting for the carefully planned bloodless conquest of California and so converted this plan into a long, bloody episode in American history. Their campaign was carried on against all those they considered non-American which included Spanish, Mexican, Indians, and all others whose skins were not pure white. Despite the fact that Chinese laborers built the western end of the first transcontinental railroad, labor groups began to persecute them when the depression

4. Wartime Exile, op. cit. p. 14

5. Quoted in Prejudice by Carey McWilliams, Little-Brown, Boston, 1944 p. 68

followed. With the cry "the Chinese must go!," pressure groups were instrumental in bringing about the passage of the Chinese Exclusion Act of 1882. Such treatment caused the Chinese population to decrease. They had been the backbone of the agriculture in California and when no more arrived and many went eastward, the vacuum, which the Japanese later filled, was created.

Agitation against the Japanese began as early as March, 1900, when Mayor Phelan of San Francisco quarantined both the Chinese and Japanese sections of the city because of idle gossip concerning the existence of the Bubonic Plague. As a result the Japanese formed the Japanese Association of America. This excitement, in turn, caused the first Anti-Japanese mass meeting, at which a resolution was passed urging the extension of the Chinese Exclusion Act to the Japanese. Further, similar resolutions were passed by the Chinese Exclusion League at its convention in 1901 and by the American Federation of Labor in 1904.

In spite of these isolated instances of Anti-Japanese feeling, the general attitude toward Japan and the Japanese was not unfavorable. Public opinion was pro-Japan in the Russo-Japanese War, but soon after public opinion changed—not suddenly but gradually, as the number of Japanese in California increased and as racial disturbances became more numerous.

The Anti-Japanese campaign began in earnest in the early part of 1905 when the San Francisco Chronicle carried a series of articles entitled, "Crime and Poverty Go Hand in Hand with Asiatic Labor", "Brown Men are an Evil in the Public Schools", "Japanese a Menace to American Women", "Brown Asiatics Steal Brains of Whites", etc. "Every one of these immigrants," said the Chronicle, "so far as his service is desired, is a Japanese spy." It was suggested that the owner of the Chronicle, M. H. DeYoung was renewing his candidacy to the United States Senate. Although this may not be true,

6. Ibid. p. 19

it is easy to believe when the number of times the Japanese have been scapegoats in California politics is realized. For instance, Eugene E. Schmitz campaigned on anti-Oriental issues when he ran for Mayor of San Francisco against James D. Phelan in 1901. Later when Schmitz was facing indictment in 1906 for many crimes connected with corrupt politics, he saw an opportunity to save himself by whipping up action against the Japanese as a diversionary issue.

The Japanese were also used as scapegoats by the Native Sons of the Golden West in conjunction with the State Federation of Labor, the California Grange, and the American Legion. By these methods and with these connections, the Native Sons became extremely powerful in California politics. Carey McWilliams points out that it is no coincidence that anti-Japanese agitation was most vehement during the Presidential election years of 1908, 1912, 1916, and 1920. Many Congressmen from California were continually re-elected to Congress on the basis of their support of this agitation. "The adroit manner, in which he manipulated the particular issue is a major explanation of the remarkably successful political career of Hiram Johnson."⁷

Anti-Japanese elements were not confined to the politicians but also were members of economic groups in labor and in agriculture. After succeeding in the creation of the Gentlemen's Agreement, these groups were instrumental in bringing about the passage of the Webb-Heney Alien Land Act. This act was unique in that it did not prevent all aliens from owning land, but only those aliens ineligible for citizenship, which was obviously directed at all Orientals, the Japanese in particular. It was admitted by the sponsors of the bill that its aim was not to prevent further Japanese expansion in agriculture, but to drive them from the state--as a step in the campaign for exclusion.⁸

7. Ibid. p. 25
8. Ibid. p. 45

Thus the California racists continued their drive against the Japanese until exclusion was finally secured by the Immigration Quota Act in 1924. Even with the passage of this act, however, anti-Japanese feeling did not die out. Caleb Foote has said that the anti-Japanese feeling was still alive after the exclusion. For instance, in Oregon and Arizona during the thirties mobs forced the Japanese out of their homes and jobs; in Southern California the "Committee of 1000" boycotted all things Japanese; and the Hearst press even blamed the Orientals for the nation's slow recovery from the depression.⁹

Carey McWilliams writes that for many years in California attacks upon the Japanese became a legislative pastime. One legislator had the following to say about them: "[They are] a bandy-legged set of bagaboos--miserable craven Simians--degenerate rotten little devils"--they were, "immoral,"¹⁰ "skulking," "servile," "treacherous," "sneaking," and "insidious."

They were also attacked vehemently in the press. Maligned in the newspapers for years on end, forced to defend themselves against the most unprincipled attacks, and tested every day of their lives by the most trying provocations, it is indeed remarkable that they even managed to survive.

What were the reasons for this hostility toward the West Coast Japanese? First it might be well to analyze a few of the charges leveled against them. If they are valid, then maybe this hostility is justified.

9. Foote, *op. cit.* p. 2

10. McWilliams, Carey, *Brothers Under the Skin*, Little-Brown & Company, Boston, 1946 p. 156

III. The Character of the Japanese

One of the most important claims made against the Japanese has been that they will not assimilate. Because of the existence of Little Tokyos, Japanese language schools, and some Buddhist worship, it was thought that the Japanese not only wouldn't assimilate, but they were considered unassimilable.

Such attitudes as these immediately appear ridiculous when they are closely scrutinized. In the first place the Little Tokyos were the result of the Caucasian attitude which has caused not only Little Tokyos, but also Little Italys, Little Mexicos, Little Polands, etc. As long as people feel that they are to be singled out for specific acts of discrimination, they are going to stick together for mutual protection. "Because many jobs, many residential areas, many social contacts were denied them", says Caleb Foote, "they were forced back again and again into the first generation¹² environment." It is only natural that as a result the Little Tokyos would not only grow but would also assume the characteristics of Japanese custom and tradition. This in turn encouraged sentimental and kinship attachments to Japan. How else could they be expected to act in the face of the continual onslaught of anti-Oriental hostility?

The Japanese language schools were considered by many Californians as subversive. They were begun originally as Christian mission schools with a two-fold purpose: to teach the newly arrived immigrants to speak and read English in order to facilitate their adjustment to American life, and also to teach the immigrant's children Japanese and keep up with school subjects in Japan. This latter reason was based on the assumption that they would eventually return to Japan once they had made enough money in America. Later, however, the immigrants began to realize that their

12. Foote, op. cit. p. 14

children had better opportunities in America and so the second reason was largely abandoned except as it applied to a few cases. Eventually, as families began to be united, as native Japanese children were brought to America, classes were introduced which would help to bridge the gap between the generations. These schools have also become indispensable in another way:

Because of the impossibility of "moving uptown" and becoming fully appreciated Americans, most Nisei today believe that their future lies in an in-between position. If they want good jobs in America, they are most likely to find them with Japanese employers--branch offices of Japanese shipping lines, banks or import firms--and they will have to speak Japanese as well as English to hold such jobs.¹³

Another very important advantage of the Japanese language schools is that they tend to bind the first and second generations together. This is particularly important because it prevents what has happened among many immigrant groups: i. e. the attitude on the part of the second generation that the first generation is ignorant of American ways. What results is a loss of respect for the first generation and consequently a lack of parental obedience which too often ends in delinquency. An excellent statement of this problem has been given by Ruth Tuck, writing of the Mexican-Americans:

The second generation child of six has seen his parents hesitant, fumbling, bewildered, and disorganized. How can Lola Parez be expected to rear her children "the American Way"--providing, indeed, that this is the more desirable--when she has never had a chance to observe an American home on a friendly, intimate footing?¹⁴

Here Miss Tuck feels that the solution for the problem is the assumption on the part of the "Anglo-Americans" of the obligation to aid the immigrant in his adjustment to American life, thus preparing him for the problems he will face when his children become "Americanized." She continues this idea

13. Hauser, Ernest, "America's 150,000 Japanese", American Mercury, December 1941, p. 694

14. Tuck, Ruth, Not with the Fist, Harcourt, Brace and Co., 1946, p. 105

with some penetrating observation:

It is interesting to speculate how the experience of our immigrant groups might have differed had we exercised as much ingenuity, patience, and effort in initiating them into the mores and the higher aspects of our culture as we have in inducing them to buy our commercial products.¹⁵

The Japanese language schools have gone a long way in eliminating this breach between Nisei and Issei which might have resulted in the many problems of other immigrant groups.

The claim that the schools foster anti-American ideas is entirely without basis. For instance, according to H. A. Millis, a recognized authority on the Japanese American problem:

These schools are not intended to perpetuate the traditions and moral concepts of Japan. They are supplementary schools, and at the worst there is much less in them to be adversely criticized than in the parochial schools attended by so many children of South and East European immigrants.¹⁶

As far as claiming the Japanese are unassimilable is concerned, it is only necessary to mention the findings of a reputable sociological group to prove such an idea is fallacious:

It is a basic postulate of social science that no inherent differences in biological stocks of the human species exist that make it impossible for individuals of one stock to assimilate the culture practiced by another. An individual is born with the capacity to react in a variety of ways, and assumes the behavioral patterns of those surrounding him because he is rewarded for conforming to their standards. Alternative ways of behavior are repressed by punishment because they are not rewarding to the individual.¹⁷

Another condition which placed the Japanese under suspicion was the fact that many were dual citizens. Since the Nisei were born in the United States, they were U. S. citizens under the doctrine of jus soli; and be-

15. Ibid. p. 104

16. Millis, H. A., The Japanese Problem in the United States, MacMillan, New York 1915 p. 265 Quoted by McKee, Wartime Exile op. cit. p. 48

17. Bureau of Sociological Research, Colorado River War Relocation Center, "The Japanese Family in America", Annals of the American Academy, September 1943, p. 151

cause they were born of Japanese blood, some were citizens of Japan under Japan's observance, before 1924, of the doctrine of jus sanguinis which identified citizenship by blood ties. A law passed by Japan in 1924 provided:

A child born of Japanese parents in the United States...is not claimed as a subject by the Japanese government unless it declares, within 14 days after birth, through its legal representative, its intention of retaining Japanese nationality....Thus Japanese born after December 1, 1924, automatically possess simple American citizenship by mere notification.¹⁸

As a result of this law two-thirds of the Japanese American children born between 1924 and 1930 had not registered with the consuls; therefore, they had American citizenship only. Forty percent of those born prior to 1924 renounced their Japanese citizenship. The percentage of the latter group would have been higher if many had not lost their birth certificates; therefore, the number of dual citizens is not large, and to think that those who are dual citizens are disloyal to America is the height of ignorance.

To be suspicious of the Nisei because of dual citizenship is, therefore, idiotic. All nationalities are represented in America by dual citizens who feel that to renounce the citizenship of the "old country" would accomplish nothing, mainly because, like the Nisei, they think of themselves as Americans only. Certainly dual citizenship does not imply dual allegiance. However, even if dual citizenship were an indication of loyalty to Japan--which is an assumption based on no facts whatsoever--the number that this would include is small.

Charges of loyalty to Japan were also leveled at the Issei. This might seem like a more logical assumption at first glance but upon reflection it is remembered that the Issei could not become American citizens

18. Ichihashi, Yamato, Japanese in the United States, Stamford University Press, Stamford University, California. 1932 pp. 323-4 Quoted by McKee, Wartime Exile, op. cit. pp. 37-8

according to the laws. Not only were they ineligible for citizenship but they were unable to own land because of the Alien Land Law passed in California in 1913 and since legislated in several other states. This, says Miyamoto, has "forced the alien Japanese to seek support from the Japanese government in order to maintain their interests, and failed to allow participation in American governmental process by which alone understanding and active interest in the constitution could have been achieved."¹⁹ It was stupid to feel, as many Californians did, that the Issei were more loyal to Japan than to the United States just because they were Japanese citizens and because Japan was so active in lodging complaints against their mistreatment. It would pay to bear in mind, as Carey McWilliams does, that "no nation in all history has been more aggressive about protecting the rights of its nationals abroad than the government of the United States."²⁰

This idea has been well emphasized in one of the WRA pamphlets:

Because American citizenship is denied them, the Issei are involuntary subjects of the Emperor. If they do not want to become people without a country, they must maintain their citizenship in Japan, the country of their birth, since the country of their choice will not give them legal status as its citizens. The hostility of the anti-Orientalists has driven home to the Issei the need for a national power to protest for them to the highest American authorities whenever violence and mistreatment occur. They must have a country to which they can return if the ever-present spectre of deportation constantly dangled before them ever becomes a reality.²¹

Still another claim which has been aimed at the Japanese is that they have provided unfair economic competition on the West Coast. This claim, too, upon careful analysis can be shown to be weak and superficial. From 1900 to 1930 many of the Japanese acted as domestic servants, and at wages higher than that paid other servants. This fact tended to raise, not lower,

19. Miyamoto, Shotaro Frank, "Immigrants and Citizens of Japanese Origin", *Annals of the American Academy*, September 1942. p. 109

20. McWilliams, Brothers under the Skin, op. cit. p. 162

21. Impounded People, op. cit. p. 36

existing wage rates. In the field of business the Japanese were largely confined to providing goods and services to their own people who were frequently discriminated against in non-Japanese businesses. In agriculture the Japanese have been especially resented; but that resentment does not exist because of low wage standards, but because they have been able, through the industry of the entire family, to produce fruits and vegetables more cheaply and efficiently than the Caucasian. They have fitted themselves into a narrow economy which has provided an opportunity for family enterprise, which is a Japanese characteristic. Japanese farm workers by 1910 were paid wages frequently higher than those paid any other nationality. They were not only considered necessary in the expansion of California agriculture, but their presence actually contributed to a higher wage scale in non-agricultural employment.²²

After looking for a moment at the foregoing anti-Japanese arguments, it is seen that they are wholly lacking in substance. Upon what, then, was this hostility based? According to Carey McWilliams, it was based on two factors: the failure of the Federal government to adopt an intelligent, long-range policy for the regulation and control of Japanese immigration and also the agitation of race purists who looked upon the Japanese problem as simply another Negro problem. They went so far as to declare that it was a mistake to have given the Negroes their citizenship.²³ It is these same purists who are still agitating in favor of taking away the citizenship of the Nisei.

To blame the Federal government for the situation on the West Coast might be taking advantage of the use of hindsight, but certainly the attitude of the racist can and must be challenged. If the Federal government

22. Ibid. p. 158

23. Ibid. pp. 162-3

is at fault for what it did not do in the past, it will be even more at fault if it does not carry out a campaign to inform the Caucasians, and particularly the pseudo patriots, of the contributions of the Japanese to the welfare of the entire West Coast.

CHAPTER IV

CAUSE OF EVACUATION

I. Military Necessity

Immediately after the Japanese forces struck at Pearl Harbor, the FBI went to work on the West Coast and elsewhere. They arrested on presidential warrants all known dangerous enemy aliens who had been under constant surveillance for many months. These arrests took place the first forty-eight hours from the time the sneak attack occurred. The FBI also removed all enemy aliens from strategic spots, such as airfields, defense installations, etc. By December 11 the Western Defense Command was established with General J. L. DeWitt in full charge. During the weeks immediately following the Pearl Harbor attack, the attitude of the public toward the resident Japanese was not hostile, but by January the desire for evacuation began to grow as Japan continued her string of military successes. At the same time there was a spreading of false rumors accusing the Japanese of sabotage and espionage. During the early part of 1942 many members of Japanese American families were picked up for questioning. Later Japanese American employees in State Civil Service were discharged which increased the tension which was already being felt more strongly each day. The Japanese Americans, most of whom were in their twenties, were forced to carry a terrific burden which was caused by their concern for the safety of their alien parents, who by law were ineligible for citizenship. Many of the young Nisei quit college in order to be with their parents during those hectic days. There slowly resulted much family splitting and strife. The older members actually blamed the younger for not obtaining a more secure place in the Ameri-

¹
can society.

The following is a chronological resume of the situation which existed between the attack on Pearl Harbor and the complete evacuation of the Japanese.

On February 13, 1942, the West Coast members of Congress met with Hiram Johnson and at that time framed a resolution demanding the evacuation of all those of Japanese ancestry and presented this resolution to President Roosevelt. On February 19, the President signed Executive Order No. 9066² which authorized the War Department to set up military areas from which any or all persons could be excluded. This authority was later delegated by Secretary of War Stimson to General DeWitt, who on March 2³ established by proclamation Military Areas 1 and 2. On March 27, he prohibited all persons of Japanese ancestry from leaving these areas which included California, Oregon, Washington, and part of Arizona. General DeWitt, later by a series of one hundred and eight proclamations ordered all those of Japanese descent from these areas. By June 5, 1942, all were out of Area No. 1 (coastal area) and by August 7, all were out of Area No. 2.

As was mentioned earlier, it is necessary to understand the causes of the evacuation before a judgment of the evacuation can be made. What, then, were the causes most often given for the evacuation?

The reason most often given for the evacuation is that military necessity demanded such action. If this reason is invalid, then the evacuation program was a violation of every right the American takes pride in claiming. Mike Masooka, National Secretary and Field Executive of the Japanese American Citizens League, in testifying before the Tolan Committee, a Committee

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1. Bureau of Sociological Research, Colorado River War Relocation Center, "The Japanese Family in America," Annals of the American Academy, September 1943 p. 154
 2. See Appendix A
 3. McWilliams, Prejudice, op. cit. p. 135

of the House of Representatives investigating the evacuation program during the Spring of 1942, expressed the attitude of the Japanese resident in the following words:

If, in the judgment of the military and Federal authorities evacuation of Japanese residents from the West Coast is a primary step toward assuring the safety of this Nation, we will have no hesitation in complying with the necessities implicit in that judgment. But, if on the other hand, such evacuation is primarily a measure whose surface urgency cloaks the desires of political or other pressure groups who want us to leave merely from motives of self-interest, we feel that we have every right to protest and demand equitable judgment on our merits as American citizens.⁴

Since this attitude is representative of that held by most Japanese, it is vital that the validity of the claim of military necessity be carefully analyzed.

It cannot be denied that fear of invasion existed. This was emphasized in the report of General DeWitt, the Commanding General of the Western Defense Command, dated July 19, 1943. After Pearl Harbor, Guam had fallen December 15, Hongkong on December 24th, Manila on January 2, and Singapore in February. Our fleet was crippled at Pearl Harbor to a degree known only to a very few. On February 23, 1942, a Japanese submarine was reported to have shelled the California coast near Santa Barbara. Rumors of sabotage and espionage by Japanese in Hawaii and on the West Coast spread rapidly, although they were later proved false. There is no doubt that DeWitt's responsibility was great; and Carey McWilliams points out that General DeWitt must have been haunted by the spectre of Admiral Kimmel and General Short⁵ who had been charged with neglect of duty in Hawaii.

This situation has been vividly described in the War Relocation Authority pamphlet Impounded People.

The Philippines were going. The enemy Japanese were rapidly pouring through the Malay jungles which the British had called

4. McKee, Wartime Exile, op. cit. p. 140

5. McWilliams, Prejudice, op. cit. p. 110

natural fortresses. Who can forget the February evening when the newspapers reported that the residents of Singapore were dancing at the Raffles Hotel while waiting for the Japanese conquerors to enter the lobby? Up in Placeville, California, people in the lobby of the hotel named after the one in Singapore gathered around the radio to listen to President Roosevelt's speech. Even as he talked, a Japanese submarine fired at the oil tanks near Santa Barbara. People gossiped that local Japanese had signalled the submarine. The Commanding General received hundreds of reports nightly of signal lights visible from the coast, and of intercepts of unidentified radio transmissions! The Battle of Java Seas came and went, an Allied defeat. Too little and too late became too familiar. America in her haste to convert to war was mixed up in her hands and feet and short-tempered. There was reconversion unemployment, shortages, crowding cities, and emptying villages.⁶

Another problem which faced those responsible was that of determining the loyalty or disloyalty of the Japanese residents. According to Shotaro Miyamoto, "it was the inability to distinguish between loyal and disloyal Japanese that the Tolson Committee considered the strongest argument in favor of evacuation of all persons of Japanese ancestry."⁷ This is by no means, however, a valid reason for wholesale evacuation, as is proved by later reports to the effect that Nazi agents, rather than Japanese residents were responsible for the acts of espionage which occurred. In February of 1942 Attorney General Biddle and Secretary of War Stimson announced that there were no substantial evidences of sabotage anywhere in the United States. About the same time the Attorney General of California stated, "We have had no sabotage and no fifth column activity since the beginning of the war." Since fifth column activity is committed by the residents of an area, this proves that much activity could not have been carried on by

6. Spicer, E. H. & Staff, Impounded People, op. cit. p.16

7. Miyamoto, Shotaro Frank, "Immigrants and Citizens of Japanese Origin," Annals of American Academy, September 1942 p. 112

the resident Japanese. Not only did no espionage take place, but it would have been naturally more difficult for the resident Japanese than the resident Germans or Italians because of the latter's inconspicuousness. A person of Japanese descent would be spotted instantly if he were caught near a strategic area or installation, while a German or an Italian could go unnoticed because of his less easily distinguished racial characteristics. It stands to reason that resident Japanese would have been the least likely of all enemy aliens (or those of enemy descent) to commit acts of sabotage or espionage. It is difficult to agree with General DeWitt who said that absence of sabotage was a "confirming indication that such action will be taken." ⁸ As late as June 13, 1943, the Office of War Information revealed that the persons who did the signaling at Pearl Harbor were Nazi agents, and that no Japanese American, either in Hawaii or on the mainland, had been convicted of either sabotage or espionage. ⁹

Is it so surprising that there were no acts of disloyalty by the resident Japanese? Certainly not. Anyone who understands the character of the West Coast Japanese can also understand why they had committed no acts of disloyalty. Carey McWilliams has pointed out the fact that they "showed from the outset great eagerness to adopt American ways....In every way they tried to deport themselves in a creditable manner. There was no crime ¹⁰ problem among them (nor has there ever been); and they paid their debts." Those who were born in the United States (which constitutes two-thirds of them) are completely unfamiliar with Japan. They are as American as any other second generation nationality. Milton Eisenhower, the director

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8. U. S. War Department, Western Defense Command. Final Report--Japanese Evacuation from the West Coast, 1942. GPO. Washington, D. C. 1943, p. 34
 9. McWilliams, Carey, What about our Japanese Americans, Am. Council, Institute of Pacific Relations, 1944 p. 8
 10. McWilliams, Carey, Brothers Under the Skin, Q. noted in Outcasts, op. cit. p. 13

of the War Relocation Authority told a congressional committee, "The second generation born in this country have attended only American schools with other American children. They have learned the democratic way. They know no other way. Many of them are in the American army....Most of them can¹⁰ speak no other language but ours. They are thoroughly Americanized."

The fact that the character of the resident Japanese is inconsistent with disloyalty can be proved by incident after incident illustrating their devotion to America. McWilliams says, "In no single instance did they fail to cooperate with the authorities" who were relocating them. "On the contrary, they helped install most of the facilities in the centers and immediately relieved the authorities of a major share of the administrative bur-¹¹den of providing food and shelter for 100,000 people." McWilliams also points out that "when word was released of the execution of the American flyers in Tokyo, the Nisei soldiers in training at Camp Shelby bought \$100,000 in war bonds in a single day to demonstrate how they felt about¹² this act of barbarism." The following is from an editorial on the execution of the American flyers printed in the Pacific Citizen, the newspaper of the Japanese American Citizens League:

We know today the nature of the brutal enemy we face across the Pacific, and this knowledge should serve to intensify our efforts to achieve a speedy and complete victory. The American people will not hook a negotiated end to this war. There can be no peace with murderers. We must and will gain unconditional surrender of our axis enemies. The enemy will give no quarter, and the salvation of our way of life rests on complete and irrevocable military victory.

10. Outcasts, op. cit. p. 13

11. What about our Japanese Americans, op. cit. p. 13

12. Ibid. p. 26

13. Sanada & Curwinn, The Fighting Spirit of Japan, Garden City, New York 1942 p. 77

14. Fisher, Helen, A Balance Sheet on Japanese Propaganda, Committee on Anti-Principles and Fair Play, Berkeley 1943 p. 5

15. Ibid. pp. 1 and 2

One further quotation should illustrate more adequately than any other the extent to which the thinking of the Nisei has been divorced from the inhabitants of Japan. Said a Japanese industrialist in Japan of the Japanese American visiting Japan, "They're too individualistic. They can't learn filial piety and loyalty to the Emperor. I do not hire Nisei. The food doesn't suit them; they expect central heating. And they don't suit me. My employees must do what they're literally told to do. Nisei want to learn everything that's going on and make suggestions about what they think they've learned in the States. They may look Japanese to you. They don't to me."¹³

As further indication of their loyalty, there were many incidents where Japanese Americans gave much needed information to intelligence officers. Galen Fisher quotes an intelligence officer who wrote him August 8, 1942: "I personally know at least fifteen intelligence officers who have received continual aid from the group of loyal and patriotic Nisei attached to each, and have in consequence been of great service to the United States in obtaining information regarding disloyal and suspicious Japanese. There are innumerable cases I could give you."¹⁴ Fisher also quotes from Joseph Driscoll who wrote the following in the New York Herald Tribune January 31, 1943: "These slant-eyed young Americans (of Japanese descent) have thrown the fear of God and the FBI into their elders and made it plain that treason would not be tolerated and would be reported to the highest authorities... many patriotic Japanese have turned in suspects of their own race and even of their own families."¹⁵

Taking into consideration the foregoing it is not difficult to understand why military necessity was not a valid reason for the evacuation.

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13. Randau & Zugsmith, The Setting Sun of Japan, Random House, New York 1942 p. 99
 14. Fisher, Galen, A Balance Sheet on Japanese Evacuation, Committee on Am. Principles and Fair Play. Berkeley 1943 p. 5
 15. Ibid. pp. 5 and 6

There is no doubt of the existence of fear and hysteria, but it can not be denied that such fear was unfounded. There is a very little evidence which shows that the responsible authorities made an effort to quell hysteria beyond the first few weeks. There was apparently no attempt upon the part of the state and Federal Governments to attack the false rumors at their source--the economic and pseudo-patriotic groups which were so intensely active in their spreading of anti-Japanese American propaganda. True, Attorney General Biddle made several pleas for sanity, but there is no evidence available that either he or others in high places openly attacked the Native Sons of the Golden West, American Legion, and the various Shipper-Grower Associations. Says McWilliams, "The fact that the military authorities had never contemplated mass evacuation until public agitation began to develop in favor of the idea indicates that they did not regard the risk as serious." ¹⁶ In fact it is interesting to note that in the October 11, 1941 issue of Colliers, Jim Marshall made the statement in an article on the West Coast Japanese that in case of war there would be some demand in California for concentration camps for those of Japanese ancestry, but the Army, Navy, and FBI "opinion, based on intensive and continuous investigation, is that the situation is not dangerous and that, whatever happens, there is not likely to be any trouble. With this opinion West Coast newspaper men, in touch with the problem for years, agree almost unanimously." If, then, this was the situation only two months prior to Pearl Harbor, why was the evacuation carried out? Could it be that factors other than those concerned with the problem of national security were at work? Could it be that these factors created the hysteria of early 1942 which resulted in the evacuation? Could be.

16. What about our Japanese Americans? op. cit. p. 9

II. Protective Custody

A second reason given for the evacuation was that of protective custody. Because of the anti-Japanese feeling which had existed on the West Coast for some time and also the war hysteria, it was felt that the Japanese residents would be attacked by the unthinking members of the society. There can be no denying the fact that there existed much hostility toward the Japanese residents, but certainly it was not intense enough to cause open violence except in possibly a very few minor incidences. Carey McWilliams claims that there were only two incidents of violence; the first December 27, 1941, which was a fight between Japanese Americans and Filipinos in Stockton, California, and on January 1, 1942, unknown persons fired shots at a Japanese American in Gilroy. McWilliams asks, "If there was a real danger of mob violence, then why did the military authorities on the West Coast take no steps to allay hysteria...as were taken in Hawaii...?"¹⁹ The best comment on the question of protective custody the author has seen is from a pamphlet put out by the American Council on Public Affairs entitled "The Displaced Japanese Americans". They say, "The doctrine of 'protective custody' could prove altogether too convenient a weapon in many other situations. In California, a state with a long history of race hatred and vigilanteism, antagonism is already building against the Negroes who have come in for war jobs. What is to prevent their removal to jails, to 'protect them' from riots? Or Negroes in Detroit, Jews in Boston, Mexicans in Texas? The possibilities of 'protective custody' are endless as the Nazis have amply proved."²⁰

17. Sacramento Bee, December 27, 1941

18. Los Angeles Times, April 24, 1943

19. What about our Japanese Americans? op. cit. pp. 8 and 9

20. American Council on Public Affairs, The Displaced Japanese-Americans. pp. 19 and 20. Originally appeared in Fortune Magazine, April 1944 under the title "Issei, Nisei, and Kibei."

These two quotations demonstrate the fact that first the removal under these grounds was unwarranted and unnecessary, and second, they were contrary to all the principles for which the last war was fought. If a community commits acts of violence against a minority group, such a situation cannot be settled by confining the members of the minority unless they are so confined permanently, because when they are released the animosity will not only still be present, but it will be greatly intensified. This fact is obvious in the case of the Japanese Americans who found a hostile attitude existing in the states between the Mississippi River and the Rocky Mountains where many of them went while the evacuation was on a voluntary basis. The attitude of the citizens in those states was one of suspicion toward those who were considered too dangerous to remain on the coast. They seemed to say, "If these Japanese Americans are dangerous on the coast, then they must be dangerous in Colorado, New Mexico, etc." There can be no denying the truth of McWilliams statement when he says, "The fact that the evacuation was ordered...is now being cited as proof of the disloyal character of this entire group."²¹ With this kind of situation it isn't difficult to see what the results of protective custody are. An entire segment of the American citizenry has been placed under a cloud of suspicion which is certain to produce undesirable repercussions. The vast myriad of post war problems caused by such a doctrine will be dealt with later, but it is easy to see what these problems are and how they have been created. Galen Fisher quotes Senator Chandler, head of a subcommittee of the Committee on Military Affairs investigating the relocation centers, "They are breeding hatred,²² enmity, and trouble for the country in the future."

21. What about our Japanese Americans? op. cit. p. 11

22. Fisher, Balance Sheet op. cit. p. 24

III. Pressure for Evacuation

The great price which would have to be paid for "protective custody" was obviously so great that it is unthinkable that it was the primary cause for the evacuation. There is, however, one other reason for this mass movement of American citizens which has only been considered. That is the matter of pressure--economic, social (or racial), and political. It was not admitted by those in authority at the time that selfish economic and political interests plus unadulterated racism had any thing to do with the evacuation, but the amount of evidence existing to show that such was the case is tremendous. As far as the economic interests are concerned they testified before the Tolan Committee that they could get along without the Japanese. As Bradford Smith has pointed out, "They got along very well." A few months later their organ, the Western Grower and Shipper, was chortling over the high price of vegetables. In Southern California alone consumers paid ten million dollars more for their perishable vegetables in 1942 than in the year before the Japanese had been removed, and received ten thousand truckloads less.²³ Granted that there was some inflation, it was certainly not great enough to account for such a rise. Further indication that the evacuation was economically unsound from the standpoint of the war effort is the comparison with conditions in Hawaii. Here the Japanese produced 90% of the food raised. Because of the liberal policy which was pursued, they were able to make this tremendous contribution to defense, whereas on the mainland the evacuation withdrew 45,000 adult workers at a loss of seventy million dollars the first year. The relocation cost an additional seventy million dollars. This loss, however, was incurred not by the economic interests but by the consumers. It is not difficult to see how under such

23. Smith, Bradford, "Experiment in Racial Concentration", Far Eastern Survey, July 17, 1946, p. 215

such conditions the Caucasian agriculturalists benefited tremendously by the evacuation. One very bitter evacuee had the following to say about such treatment, "You can't tell me anything about military necessity in connection with evacuation....One man down in Imperial Valley broadcast how much of a menace and danger the Japanese were. His brother was running up and down the Valley buying up Japanese land cheaply. In Northern California they let the Japanese put in all their crops. Then about three days before harvest, when the Japanese had put in all the work and money, they discovered a 'military necessity' and evacuated them. Others got the benefit of their investment and efforts. ²⁴ Mr. Austin E. Anson who was sent to Washington immediately after Pearl Harbor to lobby for evacuation in behalf of the Shipper-Grower Association of Salinas, California, said, in all frankness, "We're charged with wanting to get rid of the Japs for selfish reasons. We might as well be honest. We do. It's a question of ²⁵ whether the white man lives on the Pacific Coast or the brown man." One of the most important reasons the agricultural interests favored mass evacuation was the fact that prices of farm produce were rising and would rise even higher if the Japanese were evacuated. The Caucasian groups would get not only higher prices for their farm produce, but they had a good opportunity to increase their land holdings by acquiring the land to be abandoned by the Japanese. Also the evacuation would eliminate the potential competition the Japanese were offering for the future because of their ambition and high level of education. The young Nisei refused to be confined as their parents had been; and therefore, they were developing plans for expansion. ²⁶ The restrictions placed upon the Japanese were of a tremendous advantage to these farm associations. "All licenses for business trans-

24. Impounded People, W. R. A., Washington, 1946, p. 36

25. What about our Japanese Americans? op. cit. p. 11

26. McWilliams, Prejudice, op. cit. pp. 127-8

actions held by alien Japanese were revoked by the Treasury Department. The FBI forbade travel by alien Japanese and American-born Japanese alike. The result of these orders was that business came to a standstill for the alien Japanese, and movement was drastically curtailed for all Japanese." ²⁷

One writer has written of his contempt for such economic groups who benefited so tremendously from the misfortunes of the Japanese. The real enemies of America are those who emphasized the military necessity for evacuation for the sole purpose of disposing of a minority whose property they wished to seize and whose competition they wished to eliminate. ²⁸ The use of the economic groups of the press for selfish purposes was brought out by Shotaro Miyamoto in his article already cited. He says:

Newspapers headlined garbled reports of sabotage by Japanese at Pearl Harbor, and gave scant space to the denial of sabotage reported by Captain W. A. Gabrielson, Chief of the Honolulu Police. Seattle papers headlined the arrest and indictment of two Nisei lawyers who were charged with acting as agents of the Japanese government without license from the United States government. The charges preferred against the men and the reports of the two trials gave the impression that these men had committed gross acts of treason of which their guilt was certain; but their acquittal by white juries...received brief notice. There is some evidence that economically and politically motivated persons and groups employed this agitation for their own ends.²⁹

Another type of pressure which contained considerable strength was from the racists who had been carrying on anti-Oriental activities for decades. It was consistent of them to be among the most vehement in this drive to evacuate the Japanese. It is important to bear in mind that the people of California and other parts of the West Coast were not insistent upon evacuation until mass hysteria had been aroused by the racist groups and individuals. According to the San Francisco Chronicle, "The supposed 'hysteria' over enemy

27. Miyamoto, op. cit. p. 111

28. Bennett, John C., Touchstone of Democracy, Council for Social Action of the Congregational Christian Churches, 1942 pp. 8-9

29. Miyamoto, op. cit. p. 112

aliens and their descendants scarcely exists among the people themselves, but the excitement is visible almost entirely in political and journalistic quarters....They are seeking to capitalize on a supposed excitement of others which is mostly a figment of their own imagination." ³⁰ At the time of the attack on Pearl Harbor there was no suggestion that evacuation take place, nor was it recommended by the West Coast Congressional delegation until more than two months thereafter. In fact it was actually carried out after the Battle of Midway, when all danger to the Coast was ended. These facts indicate that the hysteria on the West Coast was not spontaneous but originated ³¹ by those pressure groups which had the most to gain from it.

The examples of racist feeling are numerous. One of the most vehement attacks on the Japanese came from Henry McLemore, columnist for the Hearst papers. On January 29, 1942, he wrote:

Why treat the Japs well here? They take the parking positions. They get ahead of you in the stamp line at the post office. They have their share of seats on the bus and street-car lines....I am for immediate removal of every Japanese on the West Coast to a point deep in the interior. I don't mean a nice part of the interior either....Let 'em be pinched, hurt, hungry, and dead up against it....Personally, I hate the Japanese. And that goes for all of them. ³²

On January 22, 1942, Congressman Leland Ford of California launched the campaign "to move all Japanese, native born and alien, to concentration camps." ³³

Roger Baldwin of the American Civil Liberties Union wrote in September, 1942, that it was not unreasonable to assume that the chief motives for the evacuation were far removed from military necessity. Implications of fear and prejudice filled the report of the Tolan Committee. The Senate had before it a bill to intern for the duration all those of Japanese ancestry.

30. Editorial, San Francisco Chronicle, February 6, 1942

31. Smith, Bradford, "The Great American Swindle," Common Ground, Winter 1947 p. 34

32. Quoted by Foote, op. cit. p. 6

33. Ibid. p. 6

It was promoted by the same forces--the American Legion, Veterans of Foreign Wars, Native Sons of the Golden West, and other self-appointed patriots--which backed in the Federal Court of San Francisco a shameless and so far unsuccessful suit to deprive of citizenship all native born Japanese, on the false notion that they still owe allegiance to Japan.³⁴

2. Events Leading to Creation of the War Relocation Authority

During January and February of 1942 anti-Japanese sentiment on the West Coast became increasingly stronger. The war hysteria which existed largely because of rumors later proved false caused everyone to see in all actions of Japanese military potential subterfuge to the American cause. Within two months after the attack on Pearl Harbor considerable pressure was exerted to expel from the West Coast all persons of Japanese descent, alien and citizen alike. This pressure was finally made effective on February 19, 1942 when President Roosevelt signed Executive Order No. 9066 which authorized the Army to designate areas from which "any or all persons may be excluded."

On March 2, General John E. DeWitt, Commanding General of the Western Defense Command, issued Public Proclamation No. 1 designating Military Area No. 1 consisting of the western half of Washington, Oregon and California, and the southern portion of Arizona. Military Area No. 2 was later established as including the remainder of those states.

In the beginning General DeWitt advised all persons of Japanese ancestry to leave voluntarily out of the restricted areas. He emphasized that it was their patriotic duty to leave the prescribed Military areas. As a result many thousands moved into the Plains States, but the results were pathetic. The neighboring states refused to accept these refugees because the Army had designated them in the eyes of all America. The people in the Plains

34. Baldwin, Roger, "Japanese Americans and the Law," Asia, September 1942, Vol. 42 p. 519

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CHAPTER V

ADMINISTRATION OF THE WAR RELOCATION AUTHORITY

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During January and February of 1942 anti-Japanese sentiment on the West Coast became increasingly stronger. The war hysteria which existed largely because of rumors later proved false caused everyone to see in all persons of Japanese ancestry potential saboteurs to the American cause. Within two months after the attack on Pearl Harbor considerable pressure was exerted to evacuate from the West Coast all persons of Japanese descent, alien and citizen alike. This pressure was finally made effective on February 19, 1942 when President Roosevelt signed Executive Order No. 9066 which empowered the Army to designate areas from which "any or all persons may be excluded."

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United States. The Tolan Committee investigating the evacuation in May, 1942, said, "The statement was repeated again and again by communities outside the military areas, 'If they are not good enough for California, they are not good enough for us.'"¹ Many Japanese found themselves stranded because the inhabitants would not sell them gasoline for their cars. Many were arrested to avoid violence. The war-bred fears and prejudices soon made it apparent that the original plans of voluntary evacuation would have to be revised. This decision was also made necessary because of the feeling that time was of the essence in the evacuation program. There were also problems of finance, property disposal, and employment which made it mandatory that some sort of carefully devised program be created.

It must be understood that up to this time the Army's obligation was that of evacuation. It was not concerned with the much greater problem of resettlement. It was felt that the custody of the evacuees should be the concern of a civilian rather than a military agency. It was as a result of this attitude that on March 18, 1942, the War Relocation Authority was created by the President's signing of Executive Order No. 9102. The Director of the WRA was "authorized and directed to formulate and effectuate a program for the removal, from the areas designated from time to time by the Secretary of War or appropriate Military Commander under the authority of Executive Order No. 9066 of February 19, 1942, of all the persons or classes of persons designated under such Executive Order, and for their relocation maintenance, and supervision."

II. Functions of the WRA

According to the original plans the WRA would have three principle functions:

1. U. S. Congress, House Report No. 2124, 77th Congress, 2nd Session, May 13, 1942

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(1) it would provide financial aid for Japanese required to move out of the military area but unable to do so because of lack of funds; (2) it would establish a great many small work camps similar to the Civilian Conservation Corps camps and scattered through the States west of the Mississippi River with the employable population living in camp and working chiefly on farms in the surrounding neighborhood; and (3) it would establish a group of way-stations, possibly as many as 50 holding 1,000 to 1,500 people to serve as dispersion points from which evacuees could relocate to jobs in urban centers or on farms.²

As soon as the WRA office was set up in San Francisco, it began to receive calls daily from stranded and ill-treated Japanese who had left the West Coast areas voluntarily. People in the Plateau States also reported they had discovered "escaped evacuees" which indicated that the people did not understand the status of these evacuees. This feeling that they were criminals made it necessary that a clear understanding be reached as to the situation existing. The first action taken by the WRA as a result of the problems arising from the voluntary evacuation was to recommend to General DeWitt that he stop all further movement. This was done when DeWitt issued Public Proclamation No. 4 on March 27 which forbade further movement after March 29.

It was about this time that plans were being made for a revision of the evacuation policies. It was becoming more apparent that compulsory evacuation would be required so after all movement was forbidden, plans were made for the setting up of temporary shelters until the more permanent relocation centers could be established. It was at this point the Wartime Civil Control Administration set up assembly centers in converted fair grounds, race tracks, etc. It was into sixteen assembly centers that the Japanese were first moved, and there they remained until the ten relocation centers were constructed from California to Arkansas.

2. The Relocation Program, War Relocation Authority, Washington, D. C., 1946 p. 5

(1) It would provide financial aid for Japanese required to move out of the military area but would do so on a case of lack of funds; (2) It would establish a great many well work camps similar to the civilian camps of the Japanese Government and scattered throughout the States west of the Mississippi River with the emphasis on providing living in camp and working chiefly on farms in the surrounding neighborhood; and (3) It would establish a group of way stations, possibly as many as 50 between 1,000 to 1,500 people to serve as dispersal points from which they could relocate to jobs in other centers or on farms.

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2. The Relocation Program. War Relocation Authority, Washington, D. C.,

Because of the many problems which had arisen through misunderstanding the evacuees position a meeting was held April 7, 1942, at Salt Lake City to explain the situation to the governors and attorneys general of those states in which the evacuation program would be carried out. At this meeting Milton S. Eisenhower, Director of the WRA, explained the program of the WRA and expressed hope that the cooperation of the various states involved could be obtained in the carrying out of this vast endeavor.

The conference, however, proved very disappointing because the attitude of the governors and attorneys general was unsympathetic to the plans presented. Many felt that a program of concentration camps was necessary rather than the program as outlined by Mr. Eisenhower. They were opposed to allowing the Japanese to settle, purchase land, or enter private business in their states. Some regarded the entire program as a means of dumping undesirables in the interior states. Some even refused to recognize that the Japanese citizens had any rights.

As a result of these attitudes the original functions of the WRA were abandoned and a carefully planned detention program was devised. It was not long before the major goal of the WRA was to provide temporary living facilities for the evacuees and as rapidly as possible completely relocate them into normal private life. Since they were being evacuated because of their possible disloyalty, there were no grounds for continued detention once their loyalty could be established; therefore, part of the WRA program was to screen the evacuees to separate loyal from disloyal. The WRA also had to create a system which would make possible the release of all those who were considered loyal and who also could show that they had a place to go and would be received without danger of violence.

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III. Seasonal and Permanent Leave Policies

It is interesting to note that just as the WRA announced publicly that it would send the evacuees from the assembly centers into relocation centers, requests began to pour in for the release of Japanese to work in the sugar beet fields and in other types of agriculture. Such requests were directly inconsistent with the policies decided upon as a result of the Governor's conference in Salt Lake City; but it soon became apparent that due to the agricultural interests insisting upon this help, the Governors were forced to reverse their stand. As a result the WRA worked out a program of seasonal leave with the county officer's and the Army since most of the evacuees were still in the assembly centers under Army control. Although the evacuees were reluctant to volunteer for agricultural work even at prevailing wages because of the fear of public hostility, by the end of June about 1500 workers had been recruited.

Seasonal leaves for agricultural work were not the only leaves granted. Some young people were permitted to leave the coastal area for the purpose of continuing college studies. "By September 30, a total of 1143 colleges, universities, and junior colleges had been approved for student relocation by both the War and Navy Departments."³

Although the leaves already referred to were of a seasonal nature, the WRA was also making plans to carry out a permanent leave policy in keeping with its goal of returning the Japanese to a normal life as quickly as possible. The first set of permanent leave regulations was drawn up July 20, 1942, and permitted leaves to only those who had not lived or studied in Japan and who had definite offers of employment outside of the jurisdiction of the Western Defense Command. At this time the majority of

3. Ibid. p. 114

evacuees were still in assembly centers under Army control and many permits requested by the WRA were refused by the Army. Many remained under Army control until November. As the leave program progressed more liberal policies were adopted and on October 1 a new set of regulations came into effect which permitted leave for broader sections of the population. Under these regulations, three types of leave were established: (1) short-term leave which made it possible for evacuees to spend a few weeks consulting a medical specialist or tending to other personal matters, (2) work-group leave which consisted of seasonal agricultural work, and (3) indefinite leave which was granted to any evacuee who could meet four specific requirements:

(a) the applicant for such leave had to have a definite offer of a job or some other means of support

(b) there must be no evidence in the applicant's record either at the relocation center or with the several Federal intelligence services indicating that he would endanger the national security

(c) there had to be reasonable evidence that the applicant's presence would not be unacceptable in the community in which he planned to live, and

(d) the applicant had to agree to keep WRA informed of any change of address.⁴

IV. Early Progress of the Relocation Program

The program to relocate the evacuees into normal life did not produce the results expected. The time taken to release the evacuees and place them in interior cities on their own was much longer than had been previously thought necessary. It is important to analyze the reasons for these unsatisfactory results because in them can be seen the existence of the many complex factors which had to be taken into consideration in this massive experiment

4. Ibid. p. 17

in the control of human lives.

One of the primary reasons for the slow progress was the amount of red tape which existed in the leave clearance procedure. All applications for release were assembled at the centers and later sent to Washington. There they were sent to the various intelligence agencies to be checked against the files. These agencies reviewed the applications thoroughly and then sent them back to the center either approved or disapproved. The time consumed in this procedure not only delayed the release of deserving evacuees but also was a contributing factor to the existence of low morale among many throughout the relocation centers.

There were also many psychological factors involved. Many evacuees were afraid to face what they were certain would be a hostile public. Many stories of violence and anti-Japanese activity had reached the centers--often greatly exaggerated but nonetheless effective in its terror. Also many Japanese were intensely bitter because of their evacuation, loss of property, and detention; and as a result of this bitterness, they refused to leave the centers until they would be permitted to return to their original homes in the evacuated area. This bitterness also made itself felt in the reaction to the call for volunteers to form a Nisei combat team. From Hawaii where no evacuation was employed the local draft boards were swamped by 10,000 volunteers while from the ten relocation centers there came only 1,500 volunteers. Other psychological problems existed due to the great amount of misinformation which was spread throughout the centers by trouble makers and some who had become leaders and wished to maintain that leadership which would be of less importance as the number of evacuees in each center decreased.

Still another reason for the slow progress of the relocation program was the attitude of the Caucasian staff members. Some looked upon all Japanese as enemies; and therefore, regarded themselves as jailers. Thus they

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Still another reason for the slow progress of the relocation program was the attitude of the Government staff members. Some looked upon all Japanese as enemies; and therefore, regarded themselves as jailers. This they

were opposed to the release of any evacuees. Some staff members were over-sympathetic to the extent that they expressed their fear of the unpleasantness which they felt the evacuees would have to face upon their release. This attitude was well meant but it did not add to the solution of the many relocation problems. A few staff members were concerned with holding their jobs. They opposed release because they realized as the centers' population decreased so would their positions be eliminated.

A fourth very important reason for this problem of relocation was the poor location of the centers in relation to the job opportunities in the Mid-west and East. The contacts were poor between the center inhabitants and the employers who needed them. As a result, the evacuees were ignorant not only of what jobs existed but also what the working and living conditions would be where the jobs were located.

One other problem which hindered relocation was the lack of sufficient funds needed by the evacuees to start a new life outside the center. This was particularly serious because many inhabitants of the centers had become dependent on the care they were getting, and they were reluctant to surrender the security that center life provided.

It is important that all these factors plus others be taken into consideration when the slow progress of the relocation program is analyzed.

V. Later Progress of the Relocation Program

The problems faced by the WRA were gigantic; therefore, it is in the light of these difficult conditions that the progress made later by the WRA can be truly appreciated. In overcoming these barriers the WRA adopted a four point program: (1) the establishment of field offices in key Mid-western and Eastern cities to contact employers and develop widespread community acceptance of evacuees, (2) the creation of a large scale registra-

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tion program carried out at the centers in February and March 1943 which was designed to speed leave clearance procedures by collecting in one operation the personal data on all evacuee residents over 16 years of age necessary before leave applications could be approved, (3) the setting up of a policy of limited cast grants to needy evacuees, and (4) the decentralization of leave clearance machinery so that the majority of evacuees could be released by the center concerned without the need to refer the case to Washington.⁵

It is largely the carrying out of these policies that consumed most of the time of the WRA for the remainder of the relocation program. In the first place the WRA set up by the end of 1943 forty-two field offices from Spokane to Boston. There were two types: area offices and district offices. There were eight of the former covering large geographical areas with headquarters in Salt Lake City, Denver, Kansas City, Chicago, Little Rock, Cleveland, New York, and Boston. The functions of both area and district offices were basically the same. As explained by the War Relocation Authority report:

They served to provide the public in local areas with information about evacuees and the WRA. They solicited job offers, analyzed them and forwarded satisfactory ones to the relocation centers. They provided the WRA with important information on public attitudes toward Japanese Americans in communities where relocation was contemplated. They fostered the establishment of new resettlement committees and collaborated with those already in existence to help resettling evacuees in a wide variety of ways to become satisfactorily established.⁶

About the time the leave clearance registration was being considered, the War Department decided to recruit volunteers to form a Nisei combat team. Since much of the information to be gathered by the leave registration would be of value in the recruitment program, both policies were carried out simultaneously during February and March of 1943. The results

5. Ibid. pp. 18-19

6. Ibid. p. 21

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About the time the leave clearance registration was being considered, the War Department decided to recruit volunteers to form a Civil Control Team. Since much of the information to be gathered by the leave registration would be of value in the resettlement program, both policies were carried out almost immediately during February and March of 1945. The results

of this decision were unfortunate.

It was expected that the residents would welcome the opportunity to restore citizenship rights, but instead they were hostile. The explanation for the existence of this hostility provides further light on the problems permeating the entire evacuation program. Here again can be seen the social and economic factors which must always be taken into consideration before human life is regulated.

In the first place the residents quickly resented the plans to form an all Nisei team. Why was segregation necessary? Many felt they were being forced to volunteer as their "patriotic duty." There was also much misunderstanding which arose as the result of a question in the registration form which asked if they would be willing to serve in the armed services. Did this mean volunteer or willing to serve if drafted? What would be the repercussions of a negative answer? Proof of disloyalty? Many resented the pressure which was being placed on the residents by recruiting sergeants. Most important of all was the anxiety which prospective volunteers experienced over what would become of their Issei parents if they should die in battle. Parents could not inherit property in states in evacuated areas. Could they get the G. I. allotments? The dependence of the Issei on their sons made the question of military service a much more serious one for the Nisei than it was for his counterpart in the Caucasian race. An important question on the registration form which presented a problem was whether or not the applicant would renounce his Japanese citizenship. This meant for the Issei the renouncing of the only citizenship they possessed. For those of dual citizenship it meant denouncing Japanese citizenship in the face of much West Coast activity by pseudo-patriotic societies to have the American citizenship taken from all persons of Japanese descent. It is little wonder that the registration and recruitment procedure should be met with hostility.

of this relation were unfortunate.

It was expected that the residents would welcome the opportunity to exercise citizenship rights, but instead they were hostile. The explanation for the attitude of this hostility provides further light on the problem. During the entire war-time program, these people had been the subject of economic factors which were taken into consideration before their life is regulated.

In the first place the residents clearly revealed the signs to look on all their faces. They were extremely nervous. They felt that they were being treated as foreigners in their "native land". There was also much dissatisfaction which arose as the result of a question in the registration form which asked if they would be willing to serve in the armed services. But this was volunteered as willing to serve if drafted. What would be the representation of a negative answer? Most of all, they resented the pressure which was being placed on the residents by recruiting companies. The important of all was the anxiety which prospective volunteers experienced over what would become of their loved ones if they should die in battle. Parents could not tolerate poverty in states in war-torn areas. Would they get the U. S. citizenship? The importance of the issue in their minds made the question of military service a very serious one for the fact that it was for his countryman in his country. An important question on the registration form which provided a further way of their not the applicant would receive the American citizenship. This meant for the issue the receiving of the only citizenship they wanted. For those of them citizenship it meant becoming law-abiding citizens in the face of war-time activity. The government's attitude toward the American citizenship after the war of 1918-1919. It is little wonder that the registration and military service would be met with hostility.

The policy of making grants to needy residents whose applications for indefinite leave were approved was adopted in March of 1943. It was provided only to evacuees going out to take jobs and did not include students or those with independent means. The rules were modified from time to time in order to make the most out of the limited funds of the WRA.

The policy of decentralization proved effective because it greatly accelerated the handling of indefinite leave clearances thus giving the center officials the opportunity to control the timing of the movement of the residents and also gave them time to mold favorable public opinion in the communities receiving the evacuees. The importance of this move can hardly be exaggerated when the reception given the early volunteer evacuees is recalled.

Although there had been repeated modification of the relocation policies to provide for greater efficiency, the program as a whole was relatively unsuccessful. Up until July 1, 1943 less than 10,000 people had been resettled. With increased efforts another 6,000 were resettled during the last half of 1943 and an additional 10,000 were resettled during the first half of 1944. Out of the original group of approximately 110,000, the number finally relocated into normal life was not large. Toward late 1944 the job of relocation became more difficult because the young, adventurous residents had seized the opportunity to begin a new life outside, and as a result the centers were occupied by the older residents who were getting accustomed to center life and did not wish to leave. In the case of those with large families, they were afraid of the insecurity which existed outside. They doubted if they would be able to support their dependents as well as they were being supported by the Government. Apathy and complacency began to set in and as a result the center life became demoralizing. It tended to "disintegrate the fibre of a people who had, previous to evacua-

tion, been usually self-reliant, sturdy, and independent." ⁷ The effect of this life on everyone, especially the children, caused the WRA officials to make repeated pleas to the Army urging the earliest possible rescinding of the general exclusion order.

VI. The Final Phase of the Relocation Program

Finally on December 17, 1944, the Western Defense Command rescinded the exclusion order, to become effective January 2, 1945. What followed was a complete surprise to the WRA which had made detailed plans to stem the rapid flow of residents to their original homes. What occurred was not a disorganized, uncontrolled rush to the evacuated areas, but rather there existed a definite reluctance on the part of the Japanese to leave the centers. It was not long before the WRA realized they had to conduct a selling job again. This time it was an attempt to sell the West Coast to the evacuees, and sell the evacuees to the West Coast in precisely the same manner that the selling job was done in Eastern cities during the early stages of the relocation policies. This was the final phase of the WRA program.

This problem faced by the WRA and the evacuees was well expressed by the high school girl in one center who said, "This is a town. You can't close a town." This became quite believable when opposition to closing spread throughout the centers. Meetings were held protesting the "new evacuation." Many were "unrelocatables" and, therefore, were entirely dependent upon the Government. There also came back to the centers many stories of hostility toward those who had returned--barns were burned, night riders shot into the homes of newly returned families, the American Legion erased the names of Nisei soldiers from the honor roll in Hood River, Oregon, etc.

7. The Relocation Program, op. cit. p. 46

In spite of this problem, however, contacts with the West Coast were slowly being established. One excellent method of such contact was through "scouts." Evacuees would return to their former communities, interview people, see what the chances for a successful return would be, etc., then they would go back to the center and tell their friends what they had learned. This system did much to lessen the fears of those who were reluctant to leave the center. Slowly rumors of hostility subsided and actual accounts of successful reestablishment increased. By the summer of 1945 large scale embarkings were being carried out. It was not long before the evacuees began to look upon their return nostalgically. The question "When are you going?" was asked frequently. Eventually the time came when first one center then another closed. By December all were closed but Tule Lake which contained those considered to be disloyal. "Manzanar, Poston, Gila, Minidoka, Granada, Topaz, Rohwer, Jerome had become names on the land, to crop up here and there on beauty parlors, social clubs, barber shops and cafes all over America."⁸

Tule Lake which had been a hotbed of confusion and conflicting attitudes--and which, incidentally, is a thesis topic in itself--remained open for a few months later. Although it was called the "disloyal" center, it became again a relocation center as its residents were faced with opportunities for release. It became necessary to face concrete and realistic alternatives. Finally a small contingent of 400 who had renounced their U. S. citizenship or loyalty to the U. S. was taken involuntarily to internment. "And after a few final resettlers heard of their releases in the eleventh hour, the perimeter lights went out on a refugee world which had begun its pilgrimage for security in Fresno, Salinas, or Los Angeles, and traveled far in dreams and hopes only to return."⁹

8. Spicer, E. H., op. cit. p. 208

9. Ibid. p. 217

In spite of this position, however, contacts with the West Coast were
being established. One excellent method of such contact was through
"agents." Numerous agents were to their former commercial, industrial
groups, and what the chance for a successful future would be, etc., then
they would go back to the center and tell their friends that they had
learned. This would lead to the center of those who were active
and to have the center. Strong rumors of hostility spread and actual
incidents of successful resistance were increased. By the summer of 1942
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this time which contained those considered to be disloyal. However,
Boston, Chicago, Milwaukee, Detroit, Toledo, Kansas had become names
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between and which, incidentally, in a limited form in itself remained open
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CHAPTER VI

SOCIOLOGICAL ASPECTS OF THE EVACUATION

No study of the civil rights in the evacuation program would be complete without a discussion of the sociological aspects involved. The loss of property caused not only a tremendous hardship at the time of evacuation, but it caused an even greater hardship when the time came to return to the once restricted areas. What did the Government do to minimize the losses in property?

Another picture which must be drawn is the life in the relocation centers. To what extent were these "concentration camps" and also to what extent were the evacuees being "coddled," as was claimed so often by the Dies Committee?

A third factor which warrants analysis is the attempt on the part of the Federal government to recompense the Japanese for their wartime sacrifices.

I. Wartime Handling of Evacuee Property

The tremendous loss of property, both real and personal, borne by the evacuees was undoubtedly caused to a considerable extent by the many persons who looked upon the plight of the Japanese as a golden opportunity to secure much property for very little. They descended upon the Japanese offering ridiculously low sums of money for property of all types. Bradford Smith tells of a Nisei farmer near Madera who leased twenty acres of land to an Italian enemy alien at five hundred dollars a year. "Prices jumped. The Italian made fifteen thousand dollars net in 1944. It is quite understandable," says Smith, "that he would remark, as he did publicly, that he hoped the owner, then fighting in Europe, would be killed."¹

In the War Relocation Authority pamphlet Impounded People, one Nisei

1. Smith, Bradford, "The Great American Swindle," op. cit. p. 36

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gives the following account of his experiences:

Everybody took advantage of us. Some people took things when we were not watching. While we were packing inside the house, these people would go around the back and take everything they saw....It was difficult to keep our tempers. For seventeen years, Dad and Mother had struggled to build up their business. Every profit they made was put into the store for remodeling and improving it little by little. At the same time they were raising four little kids. When they finally reached the peak of their business success and had nothing to worry about, when they finally succeeded in raising four children and sending them through high school and even had one attending college--BOOM came evacuation and our prosperity crumbled to pieces....The previous 48 hours notice we had in which to pack passed like a nightmare.²

Many of the Japanese endured experiences such as these--and worse.

Many were the victims of circumstances beyond anyones control, but also many were the victims of sharks who had every intention of betraying their trust.

One classic example of such treatment is told by Smith:

A Nisei left his car, some farm implements, and a radio with a Caucasian neighbor. When he realized that the evacuation would stick for a while, he asked the neighbor to sell his car, which had a book value of \$500. This the neighbor did--for \$475, after keeping the tires for himself. He then wrote the evacuee saying that his wife wanted some furniture and that he would like to use the \$475 for this, adding that if he had a debt it would help him to avoid the draft. When the evacuee declined this deal, his "friend" charged him \$25 for selling the car, \$30 for travel allegedly involved, \$20 for his time, and other items for expenses. When the evacuee tried to get his radio back, he was told that he had "given" it to the family, and that if he wanted it back he would have to pay storage charges of \$39!³

It might well be asked why it was that the Japanese did not prosecute those who had swindled them. Smith, in another article on this matter answers this question:

Little has been heard of [property loss through betrayal] because the Nisei refuse to complain or begin litigation, feeling that to demand justice would simply arouse more prejudice on the coast, would fail to produce a fair hearing, and would stimulate actions under the alien land laws as a retaliatory measure.⁴

2. Spicer, E. H. & Staff, op. cit. p. 34

3. Smith, op. cit. p 35

4. Smith, "Experiment in Racial Concentration," op.cit. pp. 215-16

Since, therefore, there were huge property losses, what attempts did the Government make to minimize them?

The formal procedures for the protection of evacuee property were slow in being established. On February 14, 1942, General DeWitt had recommended to the Secretary of War that the Commanding General, Western Defense Command and the Fourth Army, coordinate with the local and state authorities in order to "facilitate the temporary physical protection by them of the property of the evacuees not taken with them;...determine the quantity and character of property which the adult males...may be permitted to take with them;...and that the Treasury Department or other proper Federal agency be responsible for the conservation, liquidation, and proper disposition of the property of evacuees if it cannot be cared for through the usual and normal channels."⁵

These recommendations were further supported by Assistant Secretary of War, McCloy, who wrote to General DeWitt instructing him to provide for the protection of all evacuee property. He advised encouraging the evacuees also to take steps to protect their own property lest they be victims of theft or swindling. Also he emphasized that although much of the responsibility for protection of property was in the hands of the state and local law enforcement officers, in cases where such protection was not forthcoming it was his responsibility to provide that protection "either through the use of troops or through other appropriate measures."⁶

In an attempt to conform with these instructions General DeWitt established on March 10 the Civil Affairs Division as an addition to his general staff and on March 11 the Wartime Civil Control Administration. These agencies were concerned with facilitating the voluntary movement which was

5. U. S. War Department, Final Report Japanese Evacuation from the West Coast 1942 G. P. O. Washington: 1943 p. 38

6. Ibid. p. 39

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U. S. War Relocation Authority
Civil Control Administration
Washington, D. C. 20540
March 10, 1942
P. 32

instituted before the compulsory evacuation program was set up. Forty-eight Wartime Civil Control Administration offices (also known as Civil Control Stations) were created. They were aided by Federal Reserve Bank which protected business and personal property and the Farm Security Administration⁷ which was concerned with agricultural property.

The task of protecting business and personal property was handled by the Federal Reserve Bank of San Francisco which established an Evacuee Property Department with offices in San Francisco, Los Angeles, Seattle, and Portland in addition to field offices as needed. By May, 1942, the department was employing 184 persons. It was delegated power from the Treasury Department and later from the Military authorities and was finally under full operation by the middle of March, 1942. Later, further delegation of authority was granted by Milton Eisenhower, Director of the newly established War Relocation Authority.

Press releases were issued which explained the job which the agency would perform. The primary purpose was to protect the Japanese from unfair action by unscrupulous creditors. The evacuee was warned that he was to make an equitable settlement with his creditors; but if such efforts failed, he was to report to the nearest office of the Evacuee Property Department and lay all the facts before one of its representatives. It was emphasized that the evacuee must take the initiative in this direction. If a just settlement cannot be reached, then the agency was authorized to freeze the property by designating it as Special Blocked Property. After the property had been so designated, "any acquisition, disposition, or transfer of that property is subject to a license issued by the Federal Reserve Bank....By these broad provisions the regulations enable the bank to protect the evacuee in such typical transactions as conditional sales, instalment purchases, or

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any other type of dealing in any kind of property."⁸

During the period of voluntary evacuation, household property and automobiles were taken by the evacuees to wherever they were going; but after evacuation became compulsory and settlements were created, this type of property became a distinct problem. Government storage areas were established where the property could be stored if the evacuee desired. In the case of a motor vehicle, however, the evacuee had the choice of storing it out in the open where it would rapidly deteriorate, selling it to the Government—the price to be determined by disinterested parties—or selling their cars for what they could get before being evacuated. In any case, the losses were still tremendous on all types of property because so much had been sold before these programs were set up. According to the summary of the Federal Reserve Bank of San Francisco on April 20, 1942, very few evacuees took advantage of the opportunity to store property. "The summary showed that of 2,506 heads of families processed through control stations, only 679 had discussed movable property problems and only 498 had at their request been provided with government storage in warehouses."⁹

The responsibility of the Federal Reserve Bank in the handling of evacuee property ended in December 1942 after a not too successful program. The Farm Security Administration, however, which was responsible for evacuee agricultural property, did not fare so well. It was slow in getting organized because of early confusion as to where authority existed. As a consequence of this delay huge losses were dealt the Japanese. They tried to make any arrangements they could, privately, to sell, lease or salvage some-

8. Report of the Federal Reserve Bank of San Francisco as Fiscal Agent of the United States, on its Operations in Connection with Evacuation Operations in Military Areas No.1 and 2 during 1942. Cited by McKee, Ruth, The Wartime Handling of Evacuee Property, War Relocation Authority, G. P. O. Washington: 1946 pp. 25-26

9. Ibid. p. 43

thing of what represented their lifes' work and savings. The primary task of the FSA was to see that the Japanese were dealt with fairly in the handling of their property and also to see that the land was placed into the hands of operators who would try to produce as efficiently as possible. By the end of May, it had registered 6,664 farms in Military Area No. 1, comprising over 200,000 acres. During its administration it had made some very interesting discoveries about the value of Japanese agriculture. For instance, the Japanese operated only 2 per cent of all the farms and only .3 per cent of the total farm average, but the average value per acre of all farms in 1940 was \$37.94, whereas that of Japanese farms was \$279.69. They produced 90 per cent of the strawberries, 73 per cent of the snap beans, 75 per cent of the lettuce, 60 per cent of the spinach, and 50 per cent of the tomatoes.¹⁰

It is not easy to overestimate the valuable role played by the Japanese in agriculture or the problem faced by the FSA in the disposition of the farms. At first it could not persuade operators to take over the farms because of such problems as the specialized sort of farming involved and the large labor problem. Because of the nature of the Japanese farming, it was found best to encourage the formation of corporations to operate the farms to which loans were made to the extent of over \$3,000,000 by June 1.

Finally on August 1, 1942, the War Relocation Authority took over the problems of the Federal Reserve Bank and the Farm Security Administration. By this time the bulk of the Japanese had been moved from the assembly centers to the more permanent Relocation Centers and so the hardships of early evacuation relative to property loss had been passed by this time only to be followed by a more serious loss.

10. Wartime Civil Control Administration, Civil Affairs Division, Western Defense Command, Final Report of the Farm Security Administration for the Period of March 15, 1942 - May 31, 1942. pp. 5-6

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10. War Relocation Authority, Civil Affairs Division, Western
National Council, Final Report of the War Relocation Administration for
the period of March 15, 1945 - May 31, 1945, pp. 2-6

When the War Relocation Authority inherited the Farm Security Administration loan program, many conflicts resulted. The FSA insisted under its Wartime Farm Adjustment program, in which it had made loans to substitute operators of the evacuee farms, that 100 per cent of the loans should be repaid. It was adamant in its policy that repayment of loans should take precedence over any obligations to the evacuee owners. The conflict which resulted was caused by the fact that in most cases the evacuee owners had leased their land with the provision that in most cases they would receive 50 per cent of the net proceeds from the sale of the crops after operating expenses had been deducted. In cases of this kind where the substitute owner failed to meet payment on the loan, what proceeds he had were turned over to the FSA--the evacuee got nothing. Another disadvantage to the evacuee under this policy was the fact that the corporations operating the farms usually leased many farms adjacent to each other. Some contained good land and some poor. The repayment of the loans meant that the "evacuee owner who had every right...to expect a substantial return from his property, received nothing at all until deficits caused by poor crops on other person's property had been made good."¹¹

Many of these injustices are still pending settlement, while many were settled at disadvantage to the evacuee. The Federal Government has a tremendous obligation to these people. It is of course true that many Governmental agencies did what they could to minimize the property losses, but it is also true that the Government can also take the blame for much that it did not do. Alexander Leighton quotes a remark made by Carey McWilliams when he was Chief of the Division of Immigration and Housing:

People have been threatened that unless they dispose of their property to those who are eager for it, they will be reported to the FBI and their property will be confiscated. In the absence of

11. The Wartime Handling of Evacuee Property, op. cit. p. 59

statements from high government authorities to the contrary, the aliens who are at the mercy of rumors and rumor mongers, have no choice but to accept what they are told at the moment.¹²

It is when the property losses are analyzed that it becomes most apparent that the evacuation program, though ending in 1945, is still a very live issue and will remain so for some time to come.

II. Life under Evacuation

It might be well at this point to take a look at the conditions under which the Japanese lived between 1942 and 1945. Many, it is true, did not remain in the centers that long because of the leave policies of the WRA, but most of those evacuated spent from two to three years surrounded by barbed wire. The physical conditions are only a part of the picture, however. What is of even greater importance is the social and psychological aspects of center life, because it is these factors which have the greatest influence on the post-war lives of all Japanese. This section, therefore, will analyze the physical, social, and psychological aspects of the evacuation as they affected the lives of the Japanese in the relocation centers.

To understand the physical description of the centers it is necessary to remember the conditions under which they were created. There had been no plan to resettle the evacuees originally; the Japanese would simply evacuate and settle wherever they could. What happened, however, was the emergence of the tremendous anti-Japanese hostility from the people in the the Plateau States, and as a result the Federal government decided to erect centers in which the evacuees would be confined. Caleb Foote writes contemptuously of this hostility:

Typical of the ignorant prejudice of every Western state

12. Leighton, Alexander H., The Governing of Men, Princeton University Press, Princeton 1945, p. 40

statements from high government authorities to the contrary.
the allies who are at the mercy of rumors and press campaign.
have no choice but to accept what they are told at the moment. 12

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United States, and as a result the Federal Government decided to erect
centers in which the evacuees would be confined. (John F. Dulles, 1945)

Summary of this hostility:

Typical of the ignorant prejudice of every Western state
is the following statement by Alexander H. The Government of Japan, Princeton University
Press, Princeton 1945, p. 10

was Idaho Governor Clark's statement: "Japs live like rats, breed like rats, and act like rats. We don't want them buying or leasing land and becoming permanently located in our state." The result was that with limited exceptions the Relocation Centers were established where nobody else wanted to live.¹³

The location of the centers was, therefore, usually in desert areas. The presence of dust and sand was a characteristic feature of most of the centers. The WRA document Impounded People contains statements from evacuees and Caucasian personnel which emphasize this condition. The assistant project director from Minidoka wrote, "It was hot, dusty, desolate. Flat land, nothing growing but sagebrush....The air was choked with dust; so were the people." From Poston came the following account:

Our mouths were always gritty....From about 1:30 pm daily the wind rises, and often we can't see half a mile ahead due to the dust cloud. Each step we take we stir up dust. Dust settles on the typewriter and is noticeable even while writing a letter.

A reports officer from another center provides the following description:

There was a dust storm nearly every day for the first two months...fine, choking dust...swirled over the center. Traffic was sometimes forced to a standstill because there was no visibility. Sometimes, standing in a barracks, another barracks 40 feet away couldn't be seen. People devised masks and filters of various kinds and plugged their ears and noses with cotton. The various devices made people look weird in the blowing dust.

These descriptions provide a vivid account of the climatic conditions faced by the evacuees in most of the centers. It must be borne in mind, nevertheless, that statements concerning one center may not be applicable in relation to another center. Some physical aspects, however, in which there was considerable uniformity was in the housing, food, medical care, and the many activities in which the residents took part.

The housing which was provided consisted of tar-paper covered barracks of simple frame construction without cooking or plumbing fixtures of any

13. Foote, op. cit. p. 9

kind. They were created to house single adult males only; and after the Japanese families moved into them, they were partitioned off so that a family of five or so would occupy a room 25 by 20 feet. The only furniture the Government provided were Army cots, blankets, and small heating stoves. One bath, laundry, and toilet building was available for a block of barracks and was shared by approximately two hundred and fifty people.¹⁴

The food furnished by the Government cost an average of forty-five cents per person per day. It was prepared by evacuee cooks and served cafeteria style in mess halls for three hundred persons. Much of the food came from the center where evacuee crews produced agricultural produce; pork, poultry, eggs, beef, and dairy products.

Medical care was made available without charge. There were hospitals in all centers which were staffed by evacuee doctors, nurses, etc. Special care was taken to prevent the spread of epidemics which could be expected in a community of this type with many small children.

There were also many opportunities available for work. The evacuees were employed in mess halls, on the farms, road work, and in clerical jobs with the average rate of pay sixteen dollars a month for a forty-four hour week. Each worker also got a small monthly allowance for work clothing and personal clothing for his dependents.

Education was provided through high school. The teachers, one half of which were evacuees, were very capable. There was considerable emphasis placed on vocational training, which doubtless proved advantageous to many evacuees upon their release.

Another aspect of center life included the consumer enterprises, such as stores, canteens, barber shops, and shoe repair establishments. These

14. This and the following material is from: War Relocation Authority, Relocation of Japanese Americans, G. P. O. Washington 1943 pp. 6-10

which they were assigned to house single males only; and after the Japanese families moved into them, they were partitioned off so that a family of five or six would occupy a room 25 by 30 feet. The only furniture the Government provided were: two cots, blankets, and small heating stoves. The bath, laundry, and toilet building was available for a block of barracks and was used by approximately two hundred and fifty people.

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Another aspect of center life included the consumer enterprises, such as stores, restaurants, barber shops, and shoe repair establishments. These enterprises and the following material is from: "The Relocation Authority, Relocation of Japanese-Americans, U. S. O. Washington 1943, pp. 6-10.

were all self-supporting and were managed by evacuees on consumer cooperative basis.

One particularly interesting feature of the centers was the existence of self-government. In some centers, formal charters were drawn up closely paralleling ordinary city governments. In some, conferences were held by small groups of key residents with the Project Director in which the residents were encouraged to assume responsibility for the many phases of community management, although much of the governmental set-up was still in the hands of the WRA Project Director.

All of the foregoing has been a discussion of the physical aspects of the life in the centers. What was the social side of this type of existence? Leisure time activities were planned and organized by the residents with the WRA acting in an advisory capacity only. The creation of local branches of national organizations was also encouraged. Athletic contests were arranged with nearby towns which did much to make life in the centers more enjoyable. Social life at Poston has been well described by Alexander Leighton:

There were also many girls' clubs which organized games, dances, picnics, jamborees, and amateur shows. Concerts were given by a Japanese musical group from Hawaii. Movies were sponsored by the Community Enterprise organization which ran the store. In sports, softball became very popular with games every evening....Judo, sumo (another type of wrestling) and goh (Japanese checkers) were also played....Parties and dances were frequent. Churches, both Buddhist and Christian, became more and more active, and Bible schools and nursery schools were opened for children.¹⁵

Probably the most important affects of the evacuation on the Japanese were of a psychological nature. It is only through an understanding of how they felt and reacted to this experience that one can realize the debt that is owed them by the Federal government. What they went through warrants considerable compensation and it is through an understanding of the psycho-

15. Leighton, op. cit. p. 108

logical factors that we can estimate what that compensation should be.

In the first place the centers were not normal. They bred a "prison complex" because of the barbed wire and the ever-present guards. It must have become even more prison-like when young Nisei who were serving in the armed forces of our country were obliged to pass barbed wire and soldiers with fixed bayonets when they visited members of their own families. It is to be expected that the evacuees were not in a normal frame of mind when they arrived in the centers due to their night-marish experiences of leaving homes and businesses. From the privacies of ordinary life, they were thrust into a life characterized by immense overcrowding and waiting in lines to eat, wash, be interviewed, etc. Naturally there was great insecurity because of the impossibility of making any plans for the future, not knowing what was to become of them. Such a situation was greatly intensified by the spreading of rumors which as any service man knows can be exasperating-- constantly wanting to believe the good rumors and not daring to believe the bad. Many residents did not look Japanese, couldn't read, write, or speak Japanese, never had been to Japan, and never had lived among Japanese. There is little wonder that one small child wanted to know when his folks would leave Japan and go back to America. Also parental discipline over children broke down as would be expected. Considering all these factors anyone must wonder why serious disturbances did not occur frequently.

Those who say that the Japanese experienced hardships no greater than did the men in the armed services are being very short-sighted. They seem to forget that our soldiers did not have to watch their families, perhaps their sick children, undergo unaccustomed hardships. Galen Fisher writes:

When bystanders cynically say, "Why should they complain? They are safe and well-fed, and that's more than our boys at the front are enjoying," I wonder if they reflect that the boys at

the front know they are heroes to 130,000,000 of their countrymen. No matter what they suffer, they are buoyed up by a consciousness of nationwide admiration, and a knowledge that they are rendering a priceless service to their country.

The evacuees, on the contrary, are the objects of suspicion, if not contempt, to many of the hundred and thirty millions....¹⁶

The position of the evacuee is also described by the Bureau of Sociological Research:

The special adjustment problem of the Japanese is due to the fact that their relocation was a forced one which they interpreted as discrimination and rejection and which left them more uncertain of the future and therefore more insecure than other groups. This is to be contrasted with the war worker or the soldier, who is rewarded for his discomforts and sacrifices by a feeling of fuller participation and acceptance in the national life and in increase in prestige, if not in income.¹⁷

The unique position in which the Japanese found themselves, in relation to other segments of the population, was bound to have caused considerable bitterness. To be a natural-born American citizen and be treated like a prisoner of war was enough to make the most patriotic person feel dubious about American democracy in practice. One puzzled Nisei asked:

What had I, or, as a matter of fact, what had the rest of us done, to be thrown in camp, away from familiar surroundings, and familiar faces? What had there been in my life that made such a thing happen. The only answer is the accident of my birth--my ancestry. There is no other logical answer.¹⁸

Galen Fisher writes of a Southern California Nisei who was a veteran of World War I. He was decorated for bravery and was elected the head of his American Legion Post. When he was evacuated, he rallied all veterans in the center to form a Legion post; but the charter was denied by the American Legion office. At about this time charters of several all-Nisei posts were cancelled. Says Fisher:

These incredible rebuffs, added to the dismal life in the center, the blind alley prospects for the future and the wide-

16. Fisher, op. cit. p. 24

17. "The Japanese Family in America" op. cit. p. 151

18. Spicer, E. H. and Staff, Impounded People, op. cit. p. 36

the front know they are heroes to 120,000,000 of their country-
men. No matter what they suffer, they are proud to be a com-
radeship of nationalistic education, and a knowledge that they
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in practice, it is not in fact.

The major position in which the Japanese found themselves, in relation

to other segments of the population, was found to have caused considerable
differences. To be a natural-born American citizen and be treated like a
person of color was enough to make the most patriotic person feel dubious
about American democracy in practice. One pointed thing asked:

What had I, or, as a matter of fact, what had the rest of
us done, to be thrown in with, away from familiar surroundings,
and familiar faces? What had there been in my life that made
such a thing happen. The only answer in the mind of my
father-in-law, there is no other logical answer.

William Fisher, writer of a Southern California paper who was a veteran
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- 10. Fisher, William, op. cit., p. 121
- 11. "The Japanese Family in America," op. cit., p. 121
- 12. Fisher, W. H. and John, Immigrant People, op. cit., p. 36

spread hate campaign against all "Japs," ultimately soured his spirit. He still loathed militarist Japan as much as ever, but he began to lose faith in the America for which he had repeatedly risked his life. He became a leader in stirring up trouble in the center, a carrier of disaffection, one of the many frustrated and disillusioned spirits.¹⁹

It is important to think of such persons as this veteran when the accounts of the center disturbances are read. Before people can be loyal they must have something to be loyal to; and when faith in the Government is gone, it is not easy to follow its orders without considerable reluctance. Many Niseis came to the centers feeling that what was being done to them was impossible, but they were at a loss as to what to do or to expect. Consequently they began to cling more closely to the family and take into consideration the ideas and attitudes of their Issei parents who said "I told you so." They soon abandoned all plans for a future career, marriage, or education. They were forced to take upon their shoulders much responsibility for the care of their alien parents who found the transfer from familiar to unfamiliar surroundings especially difficult. In describing the attitude of the Nisei, Alexander Leighton writes:

They were mad, discouraged, critical, fearful, wondering if they would be "treated right" in the Relocation Center or if it would turn out to be "another racket," and yet they were not without hope, "wanting to believe," "looking for a chance," and on the whole receptive to the ideas of community building entertained by the Administration.²⁰

The attitude with which the Japanese came to the centers was important because there proved to be a direct relationship between a favorable attitude and cooperation with the Administration and vice versa. An example of this fact is presented by Commander Leighton:

The Isseis came to Poston with feelings of a life's work wasted, bitterness, apathy, and fear, shot through with the conviction that there was no future in America for the Japanese.

19. Fisher, op. cit. p. 14

20. Leighton, op. cit. p. 79

As for democratic principles and form of government, they thought that had proved a failure. To them, equal rights and opportunity were pure fiction and when they thought of government action, they thought of confusion, inefficiency and a long struggle of "broken promises" such as that there would be no mass evacuation, and then that there would be good housing, that there would be going wages, and that their property would be protected. They expected that their experience with the Administration at Poston would be no better and were prepared to mistrust and misinterpret much of what it did and said.²¹

This account of the life in the centers is an attempt to show how the evacuees lived and felt while undergoing this experience, but it would be incomplete without a word of praise for the contribution of the WRA. The men who staffed this agency were of the highest calibre. They worked under the most difficult circumstances which were not made easier by the constant attacks from the Dies Committee. In spite of the many hardships endured by the evacuees, their lot would have been much worse if the centers had been placed in the hands of men less sympathetic to their problems. The Japanese were fortunate that Milton Eisenhower and Dillon S. Myer were chosen as Directors. The one bright spot in the entire incident is the attitude of sympathy and understanding which was characteristic in the WRA and its handling of a "nasty" job.

21. Ibid. pp. 71-72

III. Post-War Legislative Compensation

Now that the evacuees have either returned to the West Coast or settled elsewhere in the country, what has the Federal government done through legislation to compensate the Japanese for their sacrifices during the war? During the second session of the 80th Congress, three bills were introduced in behalf of the Japanese. HR 5004 was a bill to equalize our naturalization laws by removing racial discrimination and to place an equal quota basis immigration from certain countries now excluded. This bill would have provided Japan with an annual immigration quota of 185, and Korea a quota of 100. This bill was of particular importance because it would have made possible the naturalization of the Issei who have been faced with many legal disabilities and much legal discrimination because of their ineligibility for citizenship. It has always seemed ridiculous that many persons in our population cannot become citizens though they have spent the greater part of their lives here. Certainly the Isseis who came here as children are as "American" as any member of the D. A. R. It is also illogical that the alien parents of Nisei soldiers should be unable to own property or be unable to enjoy the ordinary rights and privileges of citizenship through naturalization. Unfortunately, this bill did not pass before the time for adjournment arrived. It is hoped that it will be re-introduced in the 81st Congress and subsequently passed.

The second bill, HR 3566 was passed with modifications. It was originally introduced in the House and made provision to give the Attorney General the same discretionary power to suspend deportation of certain "racially inadmissible aliens" as now held by him in cases of aliens of European origin. This bill arose as a result of the fact that over 2,000 Japanese were to be deported which would have caused the breaking up of their American citizen

families. Approximately 80 per cent are parents of American Servicemen. After the bill passed the House it went to the Senate where the Sub-committee on Immigration made several modifications which established equality of action for both Orientals and Europeans, but made the entire procedure more difficult for all. Although this version was inferior to the original, it was finally passed and received President Truman's signature in July, 1948.

The third bill, HR 3999, which also passed, provided, through hearings conducted by the Office of the Attorney General, for partial compensation of the material losses sustained in the West Coast evacuation. Provision is made for compensation for material losses up to \$2500 on the basis of hearings to be held by the Justice Department boards. Provision is also made whereby evacuees whose losses exceeded \$2500 will be able after hearings before special boards to have bills introduced in Congress for individual compensation. This bill does not cover intangible losses of professional practice, good will, lapse of insurance, etc., but acts as merely a gesture of justice by the Government. This bill was likewise signed by President Truman and has become law.

Although these gestures on the part of the Government do represent an attempt to make restitution for the "nation's greatest mistake," it is only a beginning in what should be done. What is more important is that the Federal government should do all in its power to eliminate the scourge of racism on the West Coast which is still functioning as evidenced by the repeated attempts by the pseudo-patriots to legislate against the Japanese residents. The following account of events on the West Coast must be met by forceful opposition on the part of Federal authorities:

During recent months bills and resolutions have been introduced into the legislatures of the Pacific Coast States and numerous resolutions have been passed by West Coast organizations demanding:

That the evacuees be held in the centers for the duration,
 That their property be requisitioned by the Government,
 That they be prohibited from holding real estate,
 That they be prohibited from returning to California,
 That they be deprived of their American citizenship, and
 That they be deported at the end of the war.²²

This sort of agitation has no place in America and is inconsistent with all our rights--social, economic, and civil.

These cases must be taken into consideration. These cases came before the Supreme Court in 1941 and 1944, at a time when the hysteria of war had greatly subsided because of the substantial decrease in danger from enemy invasion. There was little or no reason to fear Japanese aggression at the time the cases were decided. In our fear and therefore, the need for drastic measures due to military necessity was completely absent. In spite of this fact, however, the Supreme Court ruled these cases as they would have been judged in the Spring of 1942. A definite attempt was made on the part of majority members to consider the problem to be constitutional, to base their judgments in the light of conditions existing in the Spring of 1942 and not as they existed in the actual case atmosphere prevailing in 1944. The wisdom of this attitude is not too apparent as will be brought out, but nevertheless it is necessary to keep the existence of this attitude in mind to understand why the court came to the decision that it did.

The first case, Korematsu v. U. S., concerned the constitutionality of the curfew regulations set up by General Order No. 3. The facts in the case were as follows: By authority of Executive Order No. 9066, already discussed, General Order No. 3 established a curfew requiring all persons of Japanese descent to be within their residences between 8 pm and 4 am. In addition Civil Control Stations were set up in which all persons of Japanese descent were to report as a preliminary step to evacuation. Gordon Kiyomasa,

22. Pickett, Clarence and Morris, Homer E., "From Barbed Wire to Communities," Survey Midmonthly, August, 1943, pp. 212-213

CHAPTER VII

CONSTITUTIONAL PHASES OF EVACUATION

Relative to the constitutional phases of the evacuation, there are four cases which must be taken into consideration. These cases came before the Supreme Court in 1943 and 1944, at a time when the hysteria of war had greatly subsided because of the substantial decrease in danger from enemy invasion. There was little or no reason to fear Japanese aggression as the tide had turned decisively in our favor and therefore, the need for drastic measures due to military necessity was completely absent. In spite of this fact, however, the Supreme Court judged these cases as they would have been judged in the Spring of 1942. A definite attempt was made on the part of majority members who considered the program to be constitutional, to base their judgments in the light of conditions existing in the Spring of 1942 and not as they existed in the cool, calm atmosphere prevailing in 1944. The wisdom of this attitude is not too apparent as will be brought out, but nevertheless it is necessary to keep the existence of this attitude in mind to understand why the court came to the decision that it did.

The first case, Hirabayashi v U. S.¹ concerned the constitutionality of the curfew regulations set up by General DeWitt. The facts in the case were as follows: By authority of Executive Order No. 9066, already discussed, General DeWitt established a curfew requiring all persons of Japanese descent to be within their residences between 8 pm and 6 am. In addition Civil Control Stations were set up to which all persons of Japanese descent were to report as a preliminary step to evacuation. Gordon Hirabayashi, who was born in Seattle of Issei parents and was a Senior at the University
1. 320 U. S. 81 1943

of Washington, failed to obey either the curfew regulation or the order to report for registration at the Civil Control Station in his area. He was arrested, tried, and convicted by a lower court on the two counts and was sentenced to three months on each count, the sentences to run concurrently.²

Gordon Hirabayashi had violated the Act of Congress of March 21, 1942 which made it a misdemeanor to disregard knowingly restrictions made applicable by a military commander to persons in a military area. His defense was that the Act of March 21, 1942 was an unconstitutional delegation of legislative power to the executive branch in violation of the separation of powers doctrine of our Federal government. He stated that he failed to register for evacuation and to obey the curfew because to have done so would have waived his rights as an American citizen.

This case posed two very important questions. First, was the order adopted by the Military Commander in the exercise of an unconstitutional delegation by Congress of its legislative power? Second, did the order discriminate unconstitutionally between citizens of Japanese ancestry and those of other ancestries in violation of the Fifth Amendment?

In the unanimous decision, Chief Justice Stone made it clear that when a defendant is convicted on two counts with sentences to run concurrently, it is unnecessary to consider the validity of both counts. As a result, the court refused to consider at this time the more provocative count, namely, the refusal of Hirabayashi to register with the Civil Control Station. To have considered the constitutionality of the Civil Control Stations, would have amounted to a consideration of the constitutionality of the entire evacuation program. Therefore, because of the courts consideration of only the curfew, the constitutionality of the evacuation was ignored and did not rise until the Korematsu case a year later.

Stone held that the curfew orders of General DeWitt were valid because

² See Appendix B

of Washington, failed to obey either the curfew regulation or the order to report for registration at the Civil Control Station in this area. He was arrested, tried, and convicted by a lower court on the two counts and was sentenced to three months on each count. The sentences to run concurrently. Gordon Hirabayashi had violated the Act of Congress of March 21, 1942 which made it a misdemeanor to disregard knowingly restrictions with regard to a military commander's orders in a military area. His behavior was that the Act of March 21, 1942 was an unconstitutional delegation of legislative power to the executive branch in violation of the separation of powers doctrine of our Federal government. He stated that he failed to register for evacuation and to obey the curfew because he knew so well that he would have waived his rights as an American citizen.

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Stone held that the curfew orders of General Belton were valid because

they were authorized by the Act of March 21, 1942 which ratified and confirmed the Executive Order No. 9066. It was within the constitutional authority of Congress and the Executive, acting together, to prescribe curfew orders as an emergency war measure under the power to wage war conferred on Congress and on the President as Commander-in-chief, by Articles I and II of the Constitution. Stone held that the Congress has a right to aid executive offices. The promulgation of the curfew order by the military commander was based on no unconstitutional delegation of legislative power. Said Stone, "Essentials of the legislative function are preserved when Congress provides that a statutory command shall become operative upon ascertainment of a basic conclusion of fact by a designated representative of the government." In other words, it was part of the legislative function to provide that the commanding general operate as he saw fit in the light of his knowledge to the facts of military necessity. According to the court, the Act of March 21, 1942 which authorized the curfew orders for the protection of war resources satisfied these requirements.

The second question, did the curfew order unconstitutionally discriminate against citizens of Japanese ancestry in violation of the Fifth Amendment?, was also answered negatively. Stone presented four reasons why he thought this was not an order of discrimination against those of Japanese descent. First, the Fifth Amendment contains no equal protection clause. It merely restrains Congressional legislation as amounts to a denial of due process. Second, Stone held that the curfew order, as applied, was within the boundaries of the war powers of Congress and the President. Third, he held that the "adoption by the government during crises of laws for public safety, based on knowledge of facts which indicate a particular group of one nationality may be a menace to that safety more than others, is not to be condemned as unconstitutional merely because in other circumstances racial

distinctions are irrelevant." In other words, merely because racial characteristics are immaterial under most conditions, it can not be assumed that they must be immaterial under all circumstances, as in this case where public safety demanded that they be taken into consideration in the forming of national wartime policy. Stone's final reason for denying the existence of unconstitutional race discrimination was that the curfew order, being an appropriate exercise of the war powers, was not rendered invalid because it restricted the liberty of American citizens. He brings out here the fact that rights are not absolute and what might be an unconstitutional violation of citizenship and civil rights in peacetime, is not necessarily the case in wartime.

In a concurring opinion, Justice Douglas recognized the existence of the threat of Japanese invasion which was serious and therefore, gave the military a grave problem in its fears that a potential fifth column existed. Douglas said "We cannot know all the facts; we must rely on the military's judgment." He claimed that it would be using the advantage of hindsight to say in 1943 that there was time in the Spring of 1942 to treat each Japanese American individually. Douglas also declared that the petitioner should not have ignored the laws. He would have been wiser to follow the laws and regulations of the evacuation program and then applied for a writ of habeas corpus.

Justice Murphy in his concurring opinion held that the Congress and the executive may work together for common defense in wartime "with all the force necessary to make it effective", but the existence of war did not justify disregard of civil rights. War powers, like other powers, are subject to constitutional limitations. He defended the curfew regulations but said that it divided the country into two classes of citizens for purposes of a critical and perilous hour. "This goes to the very brink of constitutional power." This indicates that if the question of constitutionality of the

evacuation were considered, he would have found it unconstitutional, as is proved by his dissenting opinion in the Korematsu case, soon to be discussed.

Justice Rutledge concurred with the final decision but he disagreed with the assumption that the courts have no power to review any action a military officer may perform "in his discretion." He was not willing to take the attitude of Douglas and Stone that the military was in a position to understand the danger to public safety; therefore, their evaluations of the situation in 1942 were subject to question by the courts.

A decision handed down the same day was that of Yasui v U. S.³ in which the facts were quite similar to those in the Hirabayashi case. Yasui violated the curfew regulation merely to test its constitutionality. This case is different in the fact that the Federal District court declared the question of citizenship to be relevant. Yasui was born in Oregon in 1916 of alien parents. He had spent the summer of his eighth year in Japan. He attended both public and Japanese language schools. He received his A. B. and LL. B. from the University of Oregon and was a member of the Oregon bar. He had also served as a 2nd Lieutenant in the U. S. Army, Infantry Reserve. He was employed for some time by the Japanese consulate in Chicago, but resigned December 8, 1941.

The District Court ruled that by working for the Japanese consulate, Yasui had renounced his U. S. citizenship, therefore was guilty of violating the curfew regulation. The court held that the curfew was constitutional when applied to aliens, but unconstitutional when applied to citizens.

The supreme Court upheld the conviction of Yasui, but added that appellant's citizenship was an irrelevant question. It did not matter whether Yasui was a citizen as the curfew regulation was unconstitutional when applied to citizens and non-citizens alike. It is this question of the status

of citizenship that is of importance in this case. The court has decided by this case that a citizen's rights, as well as those of an alien, are subject to restriction under wartime conditions.

These two cases are of importance only as they apply to the constitutionality of the curfew regulation. The third case is of much more importance since it is concerned with the constitutionality of the entire evacuation program. In this case, Korematsu v U. S.⁴, the facts are very simple. Korematsu merely refused to evacuate the military area in which he lived. He was convicted by the lower court of violating the Act of March 21, 1942 and was sent to a relocation center. There was nothing said throughout the trial about his being disloyal. His loyalty was not questioned.

The only question in this case is whether or not the evacuation program was constitutional.

The majority opinion, written by Justice Black, declared the program to be constitutional. Black stated that the "gravest imminent danger" existed at the time. Here Black employs the doctrine of "clear and present danger" to the situation on the West Coast during the Spring of 1942. He held that such a danger did exist; therefore the action taken was justified to maintain public safety. He claimed that the evacuation would prevent espionage and sabotage, and therefore serve the same purposes as the curfew regulations which were upheld in the Hirabayashi case. Black went on to say that any other action would have been impractical under the circumstances. It would have been impossible to designate the number of loyal and disloyal due to the fact that "time was of the essence." He also found it dangerously significant that five thousand Nisei refused to swear allegiance to the United States and several thousand asked to be repatriated to Japan.

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 4. 323 U. S. 214 1944

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discrimination by pointing out that we were at war with Japan and the possibility of invasion was great; therefore, it was not unreasonable to assume that those of Japanese ancestry constituted a potential Fifth Column. It was necessary that the Japanese be segregated in order to eliminate from the West Coast all those who might aid the enemy. Black also placed great faith in the decision of the military authorities. His attitude was similar to that of Douglas' in the Hirabayashi case in that he believed the military authorities were in a position to understand the situation as it existed on the West Coast in 1942. "The courts are in no position to question the accuracy of the military commander's decisions upon which the Executive Order No. 9066 and the Act of March 21, 1942 were based."

Black closed his remarks with a denial that the existence of conflicting laws was an aid to Korematsu's case. The petitioner had claimed that since two military orders were in effect at once—one preventing the Japanese from leaving the area, the other preventing the Japanese from remaining in the area—the Japanese were given no alternative but to report to an assembly center for virtual imprisonment.

In dissenting opinions Justices Roberts, Murphy, and Jackson each attacked the evacuation program as being unconstitutional although they differed in their reasoning. Justice Roberts emphasized the existence of the conflicting laws to which reference has already been made. He stated that the two military orders were designed to place Japanese in concentration camps. It must be borne in mind that the court was concerning itself with the constitutionality of the evacuation, not the detention which followed. The majority held that it was constitutional to force evacuation but whether or not the confinement in assembly and relocation centers was constitutional remains even today a moot question. What Roberts attacked, therefore, was the existence of conflicting laws which made detention the

only alternative for any Japanese who did not wish to obey the laws. Since detention amounted to virtual imprisonment in a concentration camp, the decision of the majority condoned the imprisonment of over 100,000 Japanese, aliens and citizens alike as a constitutional act.

Justice Murphy based his dissent on the fact that he considered the mass evacuation as not indispensable to public safety. There was no "imminent, immediate, and impending danger." He claimed that the evacuation rested on the assumption "that all persons of Japanese ancestry may have a dangerous tendency to commit sabotage and espionage and to aid our Japanese enemy in other ways." Murphy was particularly opposed to the government's policy of adhering to a "remote bad tendency" yardstick instead of using Justice Holmes' much more just yardstick of "clear and present danger" in its determination of military necessity. Justice Murphy also held that the evacuation was based on prejudiced assumptions. The Japanese were entitled to be treated "on an individual basis by holding investigations and hearings to separate the loyal from the disloyal." The claim that "time was of the essence" is disproved, according to Murphy, by the fact that eleven months were taken to complete the evacuation and this would have been ample time to carry out the hearings and investigations necessary.

Justice Jackson attacked the majority opinion on two counts in particular. In the first place he declared the evacuation to be based on racial discrimination. The Japanese, according to Jackson, were punished for an act which would not have been a crime if heredity had been other than Japanese.

In the second place, Justice Jackson deplored the fact that the court had set a dangerous precedent by taking such a stand. Admitting that the courts should not interfere with the military in carrying out its task, Jackson stated that the courts should not declare constitutional a military

act which violates the constitution regardless of military necessity. Endorsement by the Supreme Court of an unconstitutional act sets a precedent which exists forever. He said that the principles of this decision "lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need."

The fourth case to come before the Supreme Court, Ex Parte Endo,⁵ involved the request for a writ of habeas corpus by a Japanese American already confined in an assembly center. Miss Mitsuye Endo was placed in an assembly center at Tule Lake, California and later moved to a relocation center in Topaz, Utah. She had received leave clearance from the War Relocation Authority but refused to indicate a destination other than Sacramento, California, from where she had been evacuated. No community in the evacuated area could satisfy WRA's requirement of community acceptance since the Army continued to exclude evacuees from returning to that area. She demanded release under a writ of habeas corpus which she applied for in the District Court of Northern California in San Francisco. After applying for this writ, she was sent to Topaz, Utah. There was no question of her loyalty at any time throughout the litigation.

The questions involved in this case are three; first, should the writ of habeas corpus be granted?, second, can the District Court of Northern California issue the writ since the appellant was moved to Utah in another court's jurisdiction? and third, if granted the writ, could Miss Endo go to an area from which Japanese were excluded?

Justice Douglas, in handing down the unanimous decision, stated that the writ should be issued. Miss Endo was not under martial law. The War Relocation Authority was a civilian agency and the Executive Order No. 9066 and the Act of March 21, 1942 were not military laws. The War Relocation

5. 323 U. S. 283 1944

Authority, therefore, had no authority to hold those who were concededly loyal. It was authorized only to hold those who might commit espionage or sabotage; and since Miss Endo was above suspicion, there was no reason for denying her the writ of habeas corpus.

Relative to the second question, Justice Douglas held that her removal to Utah was not an evasion of the habeas corpus proceedings. The removal was part of a general segregation program involving many people. The Secretary of the Interior had advised that if such a writ is issued to any War Relocation Authority official, the "corpus of the appellant will be produced" and the Court's order complied with in all respects; therefore, the case was not moot. The fact that the appellant left the district did not end the jurisdiction of the District Court of Northern California as long as the person in whose custody the appellant was placed was in the district to act as the respondent. Miss Endo was in the custody of the War Relocation Authority official of San Francisco, therefore, since a writ of habeas corpus is served not on the prisoner, but on his jailer, the writ would be served on the WRA official who would appear as respondent.

The third question remained moot since the decision of the court came forty-eight hours subsequent to the announcement by the Army that the exclusion orders were being revoked. Therefore, with the exception of those detained by the War Department or the Department of Justice, nearly all of whom had by then been transferred to the Tule Lake Segregation Center, the evacuees were free to leave the centers at will and return to their former homes.

It must be understood that this court decided in this case only the unconstitutionality of detaining those who had been granted leave clearances. The court never ruled on the validity of detaining all evacuees while they were being sorted nor on the validity of detaining those deemed ineligible

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were being sorted out on the validity of detaining those deemed ineligible

to leave.

In concurring opinions Justices Murphy and Roberts held that the question of Miss Endo's destination was not moot. They held that for the same reasons existing in the Korematsu case, the evacuation program was unconstitutional; therefore, she could return to whatever destination she chose—inside or outside the military zones. They also went so far as to hold that the question of loyalty was irrelevant. Regardless of whether or not loyalty was conceded, Miss Endo should not have been evacuated.

CHAPTER VIII

FINAL EVALUATION OF EVACUATION PROGRAM

The basic civil rights having a bearing on the Japanese evacuation are the right of habeas corpus, the right to a hearing plus all the other guarantees to persons accused of crime, and the right of due process of law, substantive and procedural. These rights have become an integral part of our American heritage and their violation can be tolerated only in times when their observance might constitute a clear and present danger to public safety. The question to be answered here, however, is not whether the violation of the Japanese' rights can be justified in the name of military necessity, but whether a state of national emergency actually existed. Throughout this paper it has been conceded that if the danger to our security was real and not artificial, then the violation of the civil rights of the Japanese is justified. It is my conclusion after a careful analysis of the facts that the danger to the West Coast from the Japanese residents was merely a "red herring" created by the anti-Japanese forces who used the events of the day as a golden opportunity to realize a dream existing for forty years--the elimination of the Japanese from the Pacific Coast.

It would be proving an immaterial point (as well as using the advantage of hindsight) to say that it was idiotic to think there would be an invasion by Japanese troops because history has proved otherwise. What must be proved before public safety is in danger is not whether there would be an invasion but whether the Japanese residents would aid the enemy in that invasion. In other words, it is my opinion that it is unnecessary to show that Japanese

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The basic right of a hearing is a hearing on the Japanese question and the right of appeal, the right to a hearing plus all the other guarantees to persons accused of crime, and the right of due process of law, and the right to a hearing. These rights have become an integral part of our American heritage and their violation can be tolerated only in those cases where the Government is acting in a clear and present danger to public safety. The question to be answered here, however, is not whether the violation of the Japanese rights can be justified in the name of military necessity, but whether a state of national emergency actually existed. Throughout this paper it has been assumed that if the danger to our security was real and not artificial, then the violation of the civil rights of the Japanese is justified. It is my conclusion after a careful analysis of the facts that the danger to the West Coast from the Japanese conditions was merely a "red herring" created by the anti-Japanese forces who used the events of the day as a golden opportunity to create a false picture for their cause—the elimination of the Japanese from the Pacific Coast. It would be proving an insupportable point (as well as raising the charge of "intimidation") to say that it was difficult to think there would be no danger to the United States from the Japanese. It is not the purpose of this paper to say that the danger is not whether there would be an invasion of the United States, but whether the Japanese conditions would aid the enemy in that invasion. In other words, it is my opinion that it is unnecessary to show that Japanese

invasion was unlikely, because I consider such a likelihood completely irrelevant.

To claim, as many people did, that the Japanese should be evacuated because of possible invasion, is to assume not only that invasion is possible, but worse, to assume that the invading troops would be aided and abetted by the resident Japanese. It is this point which I wish to emphasize; military security warrants the evacuation of resident Japanese only if it can be shown that they would further the cause of the invaders, and the one thing I hope the facts in this paper have shown is that if an invasion had occurred and there had been no evacuation the invading forces would have met an opposition as strong from the resident Japanese as from the Caucasians themselves. It is because of this conviction that I believe the entire evacuation to be the result of blind and ignorant mass prejudice.

What are the facts which have made me take this view? In the first place, the background to the evacuation is filled with evidence which demonstrates the West Coast's attitude toward the Orientals in general and the Japanese in particular. California has a long history of racism. The treatment of Mexicans, Chinese, and Japanese has always been based upon the assumption that the whitest skin always clothes the most American soul. This has been very aptly expressed by Roger Baldwin:

In view of the evacuation of the Japanese alone, and of these evidences of general hostility, it is fair to conclude that military necessity had less to do with their unprecedented treatment than race prejudice. Indeed our action appears to be consistent with our whole record in dealing with Oriental peoples under our immigration laws, and behind them, with our unspoken assumptions of the superiority of the white race. What we have done to Japanese Americans is of a piece with what we have done to Negro Americans, to Mexicans, to our own Indians--indeed to all the darker peoples.¹

Not only was the background to evacuation replete with racism, but also the program itself was encouraged by anti-Japanese groups. Their activities

1. Baldwin, op. cit. p. 519

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To claim, as many people did, that the Japanese should be evacuated because of possible invasion, is to assume not only that invasion is possible, but worse, to assume that the invading forces would be aided and abetted by the resident Japanese. It is this point which I wish to emphasize: anti-Japanese activity within the evacuation of resident Japanese only if it can be shown that they would further the cause of the invaders, and the one thing I hope the facts in this paper have shown is that if an invasion had occurred and there had been no evacuation the invading forces would have met an opposition as strong from the resident Japanese as from the Canadians themselves. It is because of this conviction that I believe the evacuation to be the result of blind and ignorant mass prejudice. What are the facts which have made me take this view? In the first place, the background to the evacuation is filled with evidence which demonstrates the West Coast's attitude toward the Orientals in general and the Japanese in particular. California has a long history of racism. The treatment of Mexicans, Chinese, and Japanese has always been based upon the assumption that the whitest skin always allows the most American soul.

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Not only was the background to evacuation racism with racism, but also the program itself was encouraged by anti-Japanese groups. Their activities

were carried out to such an extent that it is difficult to doubt their contribution to the carrying out of the evacuation. "Just before the evacuation, representatives of the Native Sons of the Golden West and the California American Legion filed suits to disfranchise Japanese Americans. Thanks to the Federal Courts, they were unsuccessful."² In 1943 the Native Sons adopted a resolution calling for denial of citizenship to children born of alien Japanese, and the same year the American Legion "adopted resolutions demanding the discharge of enlisted Japanese Americans from the United States Army and the continued detention of all evacuees under Army instead of civilian control."³ One president of the Native Sons says, "We're going to Washington to bar the Japs forever from again participating in the privileges and freedom of the country they so ruthlessly and treacherously attacked."⁴ Apparently this man was either wittingly or unwittingly ignoring the fact that he was talking about two entirely separate groups of people.

This pressure for evacuation which I discuss here and have discussed at length earlier is another factor which has made me suspicious of much that was said about the "dangerous Japanese element." This suspicion becomes even stronger when I find that General DeWitt, whose appraisal of the situation was depended upon, made statements which showed that his thinking on the matter was not entirely devoid of race prejudice. Testifying on April 13, 1943, before the House Naval Affairs Subcommittee, he said:

A Jap's a Jap. They are a dangerous element, whether loyal or not. There is no way to determine their loyalty....It makes no difference whether he is an American; theoretically he is still a Japanese and you can't change him....You can't change him by giving him a piece of paper.⁵

If the preceeding quotation does not convince the reader of the General's

2. Fisher, op. cit. p. 21

3. Ibid. p. 22

4. Ibid. p. 7 Italics mine.

5. McWilliams, Prejudice, op. cit. p. 116

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12, 1942, before the House Naval Affairs Subcommittee, he said:

"I don't see a Jap. They are a dangerous element, whether they
or not. There is no way to determine their loyalty. . . . It seems
no different whether he is an American; Japanese blood is
still a Japanese and you can't change him. . . . You can't change
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- 1. Washington Post, p. 1.
- 2. Id., p. 1.
- 3. Id., p. 1.
- 4. Id., p. 1.
- 5. Id., p. 1.

racist philosophy, maybe the following will. This was his final recommendation to the Secretary of War, dated February 14, 1942, but not made public until early in 1944:

In the war in which we are now engaged, racial affinities are not severed by immigration. The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship, have become "Americanized," the racial strains are undiluted.⁶

It is ironic that this man's opinion should have been considered by the majority of the Supreme Court to be above question. Clemenceau was not jesting when he said, "War is too serious a business to be left to generals."

Another matter which causes me to doubt the necessity for the evacuation is the success with which the problem was handled in Hawaii where evacuation was not adopted. Evidence that the policy of trust and respect which was used at Hawaii was more successful than the policy of mass evacuation is indicated by the fact that upon a call for volunteers to make up a Nisei combat team, ten thousand enlisted from Hawaii while less than fifteen hundred enlisted from the ten relocation centers in the United States. One author has the following to say on this matter:

Why was this difference in policy? Is it not due in good part to the better race relations which have prevailed in the Islands? There is a strong presumption that other methods of insuring military safety might have been used on the Pacific Coast except for the prejudicial attitudes existing in the white community. This confusion of the problem of national safety with the dogmas of racism is one of the most ominous consequences of the evacuation.⁷

I believe that it is difficult to disagree with Rev. Douglass, especially when it is realized that 37 per cent of the population of the Hawaiian Islands was of Japanese ancestry. If they were not a "dangerous element"

6. Ibid. p. 115

7. Douglass, Truman, 70,000 American Refugees, Citizens Committee for Resettlement, St. Louis (No date given) p. 4

...the following, which are the following...

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in Hawaii, why should they have been so on the West Coast? The point is they were not dangerous in either place. In a letter from H. V. Kaltenborn to Miss Adelia Fisher of The Committee for Work with Japanese American Evacuees, Kaltenborn wrote:

In talking with General Richardson, Commander-in-Chief of the United States Army in the Central Pacific, with Headquarters at Honolulu...he informed me that there has not been a single case of active disloyalty proved against a single one of the 160,000 Japanese and Japanese Americans in the Hawaiian Islands.

Testifying before the Tolan Committee the following men made the following statements:

Secretary of War Stimson (March 30, 1942): The War Department has received no information of sabotage committed by Japanese during the attack on Pearl Harbor.

James Rowe, Jr., Assistant to the Attorney General (April 20, 1942): Mr. J. Edgar Hoover...has advised me there was no sabotage committed in Hawaii prior to December 7, on December 7, or subsequently.

W. A. Gabrielson, Honolulu Chief of Police: There were no acts of sabotage committed in the City and County of Honolulu December 7, nor have there been acts of sabotage reported to the Police Department since that date.

Chief Agent, Hawaii, FBI (Summer of 1942): You can say without fear of contradiction that there has not been a single act of sabotage.⁸

What possible reason could anyone have for believing that the West Coast Japanese would have been any more disloyal than those in Hawaii? I find this question especially difficult to answer in the light of the record of the Japanese American in our society. Their record during the depression indicated that they did not take to public relief because they were too proud. They stuck together, helped each other, and almost never appeared on WPA or home relief lists. The Japanese have been liked wherever they located. The Grinnell College student newspaper stated:

8. Tolan Report, 4th Interim Report, pp. 48-58

The Japanese students in Grinnell have become an integral, valuable, enjoyable part of our student body. Semester grades came out a month ago. Everyone of our Japanese students was on the President's list of honor students. They live in our dorms and we like them. They are part of our social life and we don't want to lose them.⁹

Their cooperation as a group in the relocation centers has been attested to frequently. In other words, they have been praised for their conduct under conditions which would have been expected to cause them to be at their worst. The manager of the Tulare Assembly Center had the following to say about the Japanese in his camp:

It has been a revelation to me to see how you have adapted yourselves to this strange and difficult life, and to watch the many ingenious ways in which you have found outlet for your energies. I have admired your willingness to do the menial tasks as well as those that brought ready recognition. I have marveled at the educational system you have developed in the face of innumerable obstacles so that you might make yourselves more useful. Through it all, in your work and in your play, you have maintained your dignity and your happy disposition.

In this way I have learned from you how to become a better American, and for that I shall remember you always in humble gratitude.¹⁰

This tribute is typical of those extended to the Japanese in all the Relocation Centers. Their record, therefore, before and during the war has been outstanding. To mention the record of the Japanese combat team in Italy would be merely to mention the obvious. No one can convince me after the research I've done on this paper that the Japanese on the West Coast are, or ever were, a "dangerous element."

How can all that I've said be reconciled with the decisions of the Supreme Court in the Korematsu and Hirabayashi cases? The point of my conclusion is that no such reconciliation is possible. The attitude of Justice Stone that the power to wage war is the power to wage it successfully is a

9. Foote, op. cit. p. 19

10. Ibid. p. 11

dangerous one. To give the Military unlimited power to win a war will result in a complete loss of civil rights. The Military would become a Frankenstein under these circumstances which operated under the philosophy that the "end justifies the means" as far as a military victory is concerned. The remark by Justice Douglas that: "We cannot know all the facts; we must rely on the Military's judgment" is no less dangerous. I hope I have shown that in this case at least, the Military's judgment is not always to be trusted. General DeWitt was not to be confused with Solomon. In Ex Parte Milligan the Supreme Court said that the military cannot arrest or try civilians when civil courts are still operating. "Yet," says Professor Rostow, "under the plan considered in the Japanese American cases, people not charged with crime are imprisoned without even a military trial....It would seem clear that if it is illegal to arrest and confine people after an unwarranted military trial, it is surely even more illogical to arrest and confine them without any trial at all."¹¹

Another point which makes the Supreme Court's decisions and this thesis irreconcilable is the attitude that "time was of the essence" which was the military viewpoint upheld by the majority decision in the Korematsu case. Such a view is consistent with the military mind which was largely responsible for the evacuation program. Since General DeWitt was responsible for the security of the West Coast, he felt that any precaution was a reasonable one. His decisions were carried out with the typical ruthlessness of military manner. The part played by the Military in this incident is characteristic. It can not take time to weigh both sides of an issue but must act quickly and methodically under the assumption that the end will justify the means. Robert E. Cushman has said:

To see a threat to civil liberty in any broadening of the area of the military control is merely to be realistic about the

11. Rostow, op. cit. p. 500

...to give the military unlimited power to win a war, will result in a complete loss of civil rights. The military would become a tyrant under these circumstances which operated under the philosophy that the "end justifies the means" as far as a military victory is concerned. The remark by Justice Douglas that: "We cannot know all the facts; we must rely on the military's judgment" is no less dangerous. I hope I have shown that in this case at least, the military's judgment is not always to be trusted.

General Belitt was not to be confused with Holman. In McKee the Supreme Court said that the military should arrest or detain citizens when civil control is still necessary. "Let," says Holman, "under the plain command in the Japanese American cases, people not charged with crime are imprisoned without even a military trial.... It would seem clear that it is illegal to arrest and confine people after an unsummoned military trial; it is surely even more illegal to arrest and confine them without any trial at all."

Another point which makes the Supreme Court's decision and this thesis irresponsible is the attitude that "time war of the essence" which was the military viewpoint upheld by the majority decision in the Korematsu case. Such a view is consistent with the military mind which was largely responsible for the evacuation program. Since General Belitt was responsible for the security of the West Coast, he felt that any provision was a responsibility. His decision was carried out with the typical indifference of military men. The part played by the military in this incident is characteristic. It can not take time to weigh both sides of an issue but must act quickly and unthinkingly under the assumption that the end will justify the means.

Source: Robert E. Goshorn was with:

To test a threat to civil liberty in any government of the kind of the military control is merely to be realistic about the

essential purposes, nature, and methods of military power...
 [The Army] cannot afford the luxury of the deliberate procedures, open discussion, and meticulous concern for minority rights which should characterize the functioning of a democratic state in dealing with questions of public policy.¹²

That the program was inconsistent with the rights which Americans cherish has been borne out by many persons who have studied the problem. Says one author:

It is doubtful if any deprivation of civil rights so sweeping and categorical as this has ever been performed under the war powers and justified by the courts....The very center of the problem...lies in the fact that the evacuation and confinement were done on a racial basis.¹³

This unprecedented event has been discussed and analyzed by many authorities, and consequently many conclusions have been drawn; but the most penetrating to come to my attention are those drawn by Eugene Rostow. He bases the exclusion program on five propositions of the "utmost potential menace." In my opinion they are above refutation. They are:

- (1) Protective custody, extending over three or four years, is a permitted form of imprisonment in the United States.
- (2) Political opinion, not criminal acts, may contain enough danger to justify such imprisonment.
- (3) Men, women, and children of a given racial group, both Americans and resident aliens, can be presumed to possess the kind of dangerous ideas which require their imprisonment.
- (4) In time of war or emergency the military--perhaps without the concurrence of the legislature--can decide what political opinions require imprisonment, and which groups are infected with them.
- (5) The decision of the Military can be carried out without indictment, trial, examination, jury, the confrontation of witnesses, counsel for the defense, the privilege against self-incrimination, or any of the other safeguards of the Bill of Rights.¹⁴

This conclusion is so sweeping and so disarming that it leaves nothing

12. Cushman, op. cit. p. 54

13. Redfield, Robert G. "The Japanese Americans," American Society in Wartime, University of Chicago Press, Chicago, 1943, pp. 159-161

14. Rostow, op. cit. p. 530

...and methods of all-day power...
The study cannot afford the luxury of the fallacious
method, over-estimated, and fallacious, however, for which
it is which should operate the function of a
crisis state in dealing with questions of white justice.

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- (3) Men, women, and children of a given racial group, both
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- (4) In time of war or emergency the military--perhaps without
the consent of the legislature--can decide what political
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with them.
- (5) The location of the military can be carried on without
imprisonment, trial, examination, jury, the constitution of
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incrimination, or any of the other safeguards of the Bill of
Rights.

This conclusion is so sweeping and so disastrous that it leaves nothing

12. Quinn, op. cit., p. 51
13. Hoffman, Robert B., "The American American," American Society is
14. Hoffman, University of Chicago Press, Chicago, 1933, p. 133-134
15. Hoffman, op. cit., p. 530

else to be said. The doctrine of protective custody, which was so familiar to the Nazis, was given as an excuse for the evacuation and was sanctioned by many men in high places. The imprisonment of the Japanese only is clear enough proof that political opinions can be judged dangerous enough to warrant confinement. Especially has this been shown by the demand that evidence of loyalty be shown before release was possible. Since when has it been unlawful to believe that the political doctrines of another country are superior to our own? Apparently since the decision in the Korematsu case. The precedent this program lays down for the future action of the Military has already been discussed. All in all, Professor Rostow's conclusions are final and unequivocal, as far as I am concerned.

All of the foregoing makes exceedingly apparent the importance of trying to recompense those of Japanese ancestry for what they have been forced to experience. If this is truly the land of equal rights regardless of race, creed, or color, then we have much work to do to redeem ourselves for forgetting our ideals between 1942 and 1945. It is not an issue which is past and best forgotten. It is a debt which must be paid the Japanese just as much as the debt which was paid the returning G. I.'s in the form of the G. I. Bill of Rights. The Japanese, who sacrificed dearly for the cause of American victory, also deserve a Bill of Rights which must be paid not only in material compensation for property losses, but also by a changed attitude which for too long has been based on the premise that Americanism can be practiced only by those of Anglo-Saxon ancestry.

also be said. The doctrine of protective custody, which was so familiar to the Nazis, was given as an excuse for the evacuation and was sanctioned by many men in high places. The importance of the Japanese only is clear enough from the political situation can be judged dangerous enough to warrant confinement. Especially has this been shown by the demand that evidence of loyalty be shown before release was possible. Since there has been unwilling to believe that the political doctrine of another country are superior to our own. Apparently since the decision in the Ex parte case, the precedent this problem I go down for the entire nation of the Military has already been discussed. All in all, Professor Foster's conclusions are final and unswerving, as far as I am concerned.

All of the foregoing makes exceedingly apparent the importance of the law to recognize those of Japanese ancestry for what they have been forced to experience. It is true the land of equal rights regardless of race, creed, or color, when we have much work to do to redeem ourselves for forgetting our debts between 1912 and 1915. It is not an issue which is past and best forgotten. It is a debt which must be paid the Japanese that as much as the debt which was paid the returning. It is in the form of the Bill of Rights. The Japanese, who sacrificed dearly for the cause of American victory, also deserve a Bill of Rights which must be paid not only in material compensation for property losses, but also by a changed attitude which for too long has been based on the premise that Americanism can be granted only by those of Anglo-Saxon ancestry.

APPENDIX A

Executive Order No. 9066

7 Fed. Reg. 1107

Whereas the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities as defined in Section 4, Act of April 20, 1918, 40 Stat. 533, as amended by the Act of November 30, 1940, 54 Stat. 1220, and the Act of August 21, 1941, 55 Stat. 655 (U. S. C. Title 50, Sec. 104.):

Now, therefore, by virtue of the authority vested in me as President of the United States, and Commander-in-Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion. The Secretary of War is hereby authorized to provide residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designation of prohibited and restricted areas by the Attorney General under the Proclamations of December 7, and 8, 1941, and shall supersede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted

areas.

I hereby further authorize and direct the Secretary of War and the said Military Commander to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military Area herein above authorized to be designated, including the use of Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal Agencies, to assist the Secretary of War or the said Military Commander in carrying out of this Executive Order, including the furnishing of medical aid, hospitalization, food clothing, transportation; use of land, shelter, and other supplies, equipment, utilities, facilities, and services.

This order shall not be construed as modifying or limiting in any way the authority heretofore granted under Executive Order No. 8922, dated December 12, 1941, nor shall it be construed as limiting or modifying the duty and responsibility of the F. B. I., with respect to the investigation of alleged acts of sabotage or the duty and responsibility of the Attorney General and the Department of Justice under the Proclamations of December 7 and 8, 1941, prescribing regulations for the conduct and control of alien enemies, except as such duty and responsibility is superseded by the designation of military areas hereunder.

Franklin D. Roosevelt

The White House

February 19, 1942
[No. 9066]

APPENDIX B

Act of March 21, 1942

56 Stat. 173, 18 U. S. C. A. 97A

97A: Unlawfully entering, remaining, leaving, or committing acts in military area or zones.

Whoever shall enter, remain in, leave, or commit any act in any military area or zone prescribed, under the authority of an Executive Order of the President, by the Secretary of War, contrary to the restrictions applicable to any such area or zone or contrary to the order of the Secretary of War or any military commander, shall if it appears that he knew or should have known of the existence and extent of the restrictions or order and that his act was in violation thereof, be guilty of a misdemeanor and upon conviction shall be liable to a fine of not over \$5,000 or to imprisonment for not more than one year, or both, for each offense.

BOSTON UNIVERSITY

GRADUATE SCHOOL

ABSTRACT of the WEST COAST JAPANESE

An Abstract of a Thesis

CIVIL RIGHTS

and the

EVACUATION of the WEST COAST JAPANESE

by

Lewis Isaac Maddocks

(A.B. Marshall College, 1943)

submitted in partial fulfillment of the

requirements for the degree of

Master of Arts

1948

CIVIL RIGHTS

and the

EVACUATION of the WEST COAST JAPANESE

In the Spring of 1942 over one hundred thousand persons of Japanese descent, citizens and aliens, were evacuated from the West Coast and placed in confinement with release permitted only under certain specified conditions. This evacuation program was carried out without the benefit of legal hearings or any other of the proceedings which any person accused of crime is guaranteed. Is this consistent with American democracy? This is the problem to be analyzed.

In attempting to answer this question it has been necessary to obtain data which has quite recently been published. The most valuable sources of facts relevant to this problem are the pamphlets written by staff members of the War Relocation Authority, now defunct, which was set up in the Department of the Interior to administer the program of resettlement and relocation. There was a considerable amount of controversy in the press and in magazines concerning this program but only a few books have been written on this subject; consequently most of the source material has been gathered from pamphlets and periodicals.

In order to determine whether the evacuation was consistent with American democracy, it is necessary to clarify what "American democracy" entails. The term as applied here involves a recognition of the Bill of Rights and such other guarantees of civil liberties as exist in the Constitution. It involves the concepts of equal opportunity for all which is incompatible with acts of discrimination in any form because of race, color, or creed. It involves equal protection of the rights of the minority against the

tyranny of the majority. It involves the recognition of the fact that although rights are not absolute, a clear and present danger to public safety and welfare must exist before the violation of these rights can be tolerated. As the term applies specifically to the evacuation program, it involves the recognition of the rights of the Japanese to remain free unless it can be proved beyond a reasonable doubt that they would aid the enemy in case of invasion. It involves more than merely proving that an invasion was likely to occur.

As background to evacuation it must be noted that the Japanese in California have been the victims of racism for the forty years prior to Pearl Harbor, consequently, by December 7, 1941, there were numerous individuals and groups who were ready to take advantage of this opportunity to rid the State of all persons of Japanese descent, citizens and aliens alike. The organizations primarily concerned with this anti-Japanese activity were the Native Sons and Daughters of the Golden West, the California American Legion, Associated Farmers of California, and certain labor organizations.

Immediately after the attack on Pearl Harbor there was little agitation for evacuation by the majority of Californians, but as the campaigns in the Pacific turned against us with the onslaught of the Japanese troops, hysteria gradually increased until by January and February, popular sentiment was highly in favor of wholesale evacuation of all persons of Japanese ancestry. There have been three main causes given for the evacuation program. The one most often heard is that military necessity demanded such action. It was assumed that the resident Japanese would offer themselves as spies and saboteurs to the Japanese army in case of invasion--which seemed quite possible to many observers. Another reason given is that the Japanese needed protection from the violence which might result from the hostility of unthinking individuals or groups. A reason which seems on the

basis of the evidence to be the most accurate was that of economic and social pressure. The very organizations that had been instrumental in all anti-Oriental activity for the past century were also active in this program of evacuation. Much has been written which indicates the extent of this anti-Japanese sentiment, both through economic and through purely racist motives. There seems to be little doubt that without the activity of these groups, there would have been no evacuation.

Once the program was set up, it was very ably administered by the War Relocation Authority. The original plan before the WRA was created was to evacuate the Japanese from the West Coast and let them shift for themselves. They were to settle anywhere outside the restricted areas. This plan, however, became impractical because of the hostile reception given the Japanese by the inhabitants of interior states who felt that the West Coast was attempting to dump its "undesirables" and "dangerous elements" on them. As a consequence of this attitude, the Japanese evacuees were being stranded without being able to purchase gasoline, food, and other necessities because the Caucasians would not trade with them. The creation of the WRA was an attempt to remedy this problem and try to bring order out of chaos.

The WRA first provided ten relocation centers from California to Arkansas set up much like regular Army camps. Community affairs were instituted with as much self-government as was thought feasible. After the evacuees were settled in these centers, the WRA conducted a program of relocation and resettlement. Under specified conditions evacuees could receive either permanent or temporary leave clearances. The former were provided if the evacuee could show that he had a job in an interior city, was going to school, or live with relatives; the latter clearances were issued to farm workers, or others who wished to leave for temporary periods. The WRA was also faced with the problem of resettling the evacuees on the West Coast

when the restricted areas were reopened. Once they had become settled in the centers it was no easy task to get them to return to the West Coast to face not only considerable hostility but the task of starting life anew, since most of them had lost considerable property, both real and personal, when they were first evacuated.

The terrific property losses have been the most pathetic part of the program. The case histories of those who lost property are stories of great hardship and misery. It has been only recently that the Federal Government has seen fit to pass legislation to compensate for the losses. HR 3999 which was passed only this summer (1948) provides, through hearings conducted by the Office of the Attorney General, for partial compensation of the material losses sustained in the evacuation. Provision is made for compensation for material losses up to \$2500 on the basis of hearings to be held by Justice Department boards. Provision is also made whereby evacuees whose losses exceeded \$2500 will be able after hearings before special boards to have bills introduced in Congress for individual compensation.

The Constitutional aspects of the program have been handled by the Supreme Court in four cases. In Hirabayashi v. U. S. the court upheld the curfew orders instituted by General DeWitt, the Commanding General of the Western Defense Command. In Yasui v. U.S. the Supreme Court handed down the opinion that citizenship was irrelevant as far as the curfew orders were concerned. The orders applied to citizens and aliens alike. In Korematsu v. U. S. the Supreme Court upheld the evacuation program as constitutional under the war power of the President and Congress acting together. In the case Ex Parte Endo the court held that persons who were concededly loyal would have to be granted a writ of habeas corpus since detention applied only in cases where the evacuees might constitute a danger to public safety. A person concededly loyal could not be so considered.

The evacuation program appears, despite the attitude of the Supreme Court, to have been the result of constant economic and social pressure from individuals and groups active for some time against the Japanese. These same groups are still at work attempting to have passed in the legislature of the West Coast States legislation demanding that the property of Japanese be requisitioned by the Government, that the Japanese be prohibited from holding real estate, that the Japanese be prevented from returning to the West Coast, that they be deprived of their American citizenship, and even that they be deported. Although such legislation as this has not been passed, it does indicate that the perennial racists are still active.

When the existence of these groups is considered along side the record of the Japanese people as citizens, it becomes difficult to believe that the evacuation was necessary. The resident Japanese are not, and never have been, "a dangerous element" as claimed by General DeWitt. Evidence of their behavior as excellent citizens is voluminous. Through their industry and respect for law, they have contributed much to the West Coast States. With any understanding of the character of these people, it is impossible to believe that they would have aided Japan if invasion of California had occurred and it is only by holding such a belief that the evacuation can be justified.

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